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BUNCOMBE COUNTY
CITY OF ASHEVILLE
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Thursday, July 3, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 3, 1958, at 4:00 o'clock P. M with Mayor E. W. Eller presiding Present: Councilmen F. M. Mulvaney, W. F. Algary, C. M. Preslar, C. E. Morgan, J. W. McRary T. B. Sumner City Manager Weldon Weir, and Corporation Counsel R. W. Wells

The minutes of the previous meeting were read and approved

Upon motion of Councilman Morgan, seconded by Councilman Preslar Ordinance No 406, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE NO. 322, AS AMENDED, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE'", was unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 406

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE NO. 322, AS AMENDED, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1 That the Zoning Map and Zoning Ordinance, being Ordinance No 322, known as "An Ordinance providing for the Zoning of the City of Asheville, as amended, be and is hereby amended as follows:

That a new section is hereby enacted for insertion between Section 9 and Section 10 of said Ordinance as following:

SECTION 9 1

TRAILERS AND TRAILER CAMPS

A. DEFINITIONS.

Whenever used in this ordinance, unless a different meaning appears from the context:

1. The word "trailer" means any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession trade or occupation or trade (or used as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, and shall include, without limiting the general definition hereof, house trailers, mobile homes, or any readily movable enclosure or vehicle which may be propelled and is so constructed as to permit occupancy for human habitation.

2. A "trailer camp" means any park, trailer park, trailer court, court, camp, site, lot, parcel, or tract of land designed, maintained or intended for the purpose of operating a location or accommodations for any trailer or trailers, and upon which any trailer or trailers are parked or located, and shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the trailer camp and its facilities or not. Trailer camps shall not include automobile or trailer sales lots on which unoccupied trailers are parked or located for purposes of inspection and sale.

3. The word "person" shall be construed to include persons, partnerships, firm, company, corporation tenant, owner, lessee, or licensee, their agents, heirs or assigns.

B. PERMITTED AND PROHIBITED AREAS AND REGULATIONS.

1. No trailer shall be used as a permanent place of abode or as a permanent dwelling within the limits of the City of Asheville.

2. No trailer camp shall be located and no lot of land used for a trailer camp within the limits of the City of Asheville except within Neighborhood Trading Area and Industrial District wherein such use is hereby permitted.

3. It shall be unlawful for any person to park or locate, place, maintain, or use any trailer within the limits of the City of Asheville on any lot or land owned by any person, occupied or unoccupied, and no lot or land shall be used for such purpose unless said trailer and said lot or land are within a trailer camp, and, except:

(a) A trailer may be used as a temporary shelter or office on a construction site during the actual period of construction, and

(b) One unoccupied trailer may be parked or located in any accessory private garage building or in a rear yard of an occupied dwelling, provided no living quarters shall be maintained or any business practiced in said trailer while it is so parked or located or stored, and

(c) A trailer may be temporarily parked or located, occupied or unoccupied, within the boundaries of the districts zoned as neighborhood Trading Area and Industrial District, for a period not exceeding thirty days, provided a special permit is obtained from and issued by the Building Inspector of the City of Asheville prior to the parking or location of said trailer.

(d) An unoccupied trailer or trailers may be parked, located, or used only for purposes of inspection and sale within the boundaries of any zoned district wherein a use is permitted for the business of automobile sales

C. Required Lot Area.

(a) No Trailer Camp shall be constructed or maintained on a lot or plot in an approved area or district

which has an average width of less than two hundred fifty (250) feet and having a total area of less than 87,000 square feet.

(b) The minimum land area used or occupied by one trailer or other housing unit in a Trailer Camp shall be 25 feet by 50 feet and the same shall be defined by markers at each corner; and provided further that the minimum width of walkways serving such trailer plots shall be 10 feet in width, and driveways serving such camping plots shall be 20 feet in width.

5. Yard Requirements.

(a) No Trailer or other living unit shall be placed within 5 feet of its individual lot line, 10 feet of one another side to side, and not less than 14 feet of one another side to side, and not less than 14 feet of one another end to end, nor within 50 feet of any street or exterior boundary line of the Trailer Camp.

6. Automobile Parking Requirements

(a) One off-street automobile parking space shall be provided on the site in an approved manner for each trailer unit placed in such Trailer Camp. Such off-street parking space shall be set aside in a location convenient to the occupants of the trailer units and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding 25 feet in width in the curb line of said street.

(b) No automobile parking will be permitted within a Trailer Camp, except in the specified parking areas.

Section 2. That if any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, sub-section, clause and part thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith or contrary hereto are hereby repealed, except nothing in this ordinance shall be interpreted so as to conflict with the State Housing Law, or legislation regulating trailers or trailer camps, or any of the requirements of any ordinances of the City of Asheville not mentioned or made inapplicable by the express terms of this ordinance.

Section 4. That this Ordinance shall be in full force and effect 15 days from date of final passage.

I move the adoption of the foregoing ordinance, this 12 day of June, 1958.

C. E. Morgan
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved and adopted, this 3 day of July, 1958, to become effective 17 day of July, 1958

APPROVED AS TO FORM:

Robt. W. Wells
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager presented a brief report reflecting a surplus of $19,359.71 for all departments of the city government for the fiscal period ending June 30, 1958.

The Council commended the City Manager for this excellent report.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 10, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, July 10, 1958, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, C. E. Morgan, J. W. McRary, C. M. Preslar, W. F. Algary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Councilman Mulvaney introduced Ordinance No. 408, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1958-59", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented to the Council the bids which were received for the furnishing of labor and materials and performing all work for the grading, drainage and paving of runway and taxiways, apron, auto parking, access road, relocated highways, and paving of relocated highways, and pertinent work thereto for the new Asheville Airport on July 10, 1958 as follows:

J. C. Critcher, Inc.	$1,084,421.26
Asheville Contracting Co.	1,117,798.23
W. E. Graham & Sons	1,130,444.21
Blythe Bros. Co.	1,231,423.96
Nello L. Teer Company	1,495,052.21
A. B. Burton Co., Inc.	1,285,511.58
Cherokee Const. Co.	1,172,226.72
Dickerson, Inc.	1,232,157.48
Claussen-Lawrence Const.	1,164,113.70
Ray D. Lowder, Inc.	1,274,296.09
Wright Contracting Co.	1,398,013.56
W. E. Graham & Sons	1,130,444.21
Suber & Company	1,373,790.30
Harrison Const. Co.	1,551,711.98

The City Manager advised that the low bid of J. C. Critcher, Inc. in the amount of $1,084,421.26 had been approved by the Civil Aeronautics Administration.

Councilman Preslar introduced a resolution awarding contract for construction work on new Asheville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 449.

Councilman Sumner introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 450.

There being no further business, the meeting was upon motion adjourned.

CLERK

Margaret Simmons
CITY CLERK

Thursday, July 17, 1958 - 4 o'clock P. M.

In the absence of Mayor E. W. Eller and Vice-Mayor F. M. Mulvaney, Councilman Preslar moved that Councilman Morgan act as Chairman of the regular session of the City Council held on July 17, 1958 at 4 o'clock P. M., which motion was seconded by Councilman McRary and unanimously adopted. Present: Councilmen J. W. McRary, W. F. Algary, C. M. Preslar, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Ordinance No. 408, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1958-59", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"

Councilman Sumner introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 451.

The City Manager advised the Council that the airport contract has been properly executed, together with the performance bond, and the contractor is authorized to proceed with this work.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, July 24, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, July 24, 1958, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Upon motion of Councilman Mulvaney, seconded by Councilman McRary, Ordinance No. 408, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1958-59", was unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 408

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1958-59

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1958 and ending on June 30, 1959, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 263,708.53	
Law	24,864.30	
Finance	37,048.50	
Public Safety	1,066,612.63	
Libraries	113,690.00	
Public Works	780,597.58	
Parks and Playgrounds	125,876.40	
Civil Service	6,160.00	
Total General Operating Fund		$ 2,418,557.94

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	970,127.75	970,127.75

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	616,939.26	
Water Refunding Bonds	230,000.00	
New Water Bond Issue	191,872.25	
Estimated Airport Bond Issue of 1957	95,952.80	
Total Debt Service Fund		1,134,764.31
TOTAL APPROPRIATIONS		$4,523,450.00

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1958, and ending on June 30, 1959, to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax		$ 587,607.00
Other Revenues as follows:		
License & Privilege Taxes		170,100.00
Payment in Lieu of Taxes		350,000.00
Fees		61,350.00
Parking Meter Fees		76,000.00
Court Costs		55,000.00
Rents		73,000.00
Income from Parks		33,000.00
Miscellaneous		3,500.00
Contribution from State Rev. Dept.		50,000.00
Contribution from State St. Fund		225,000.00
Contribution from Housing Authority		6,000.00
Contribution from ABC Stores		600,000.00
Riverside Cemetery		18,000.00
Current Year's Poll Tax and Taxes Other Than Current Year's Property Tax and Other Than Hereinbefore Itemized		110,000.00
TOTAL GENERAL OPERATING FUND		$2,418,557.94

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges		$ 970,127.75

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$712,892.06	
Water and Other Charges from Water Department	421,872.25	
TOTAL DEBT SERVICE FUND		$1,134,764.31
TOTAL ESTIMATED REVENUES		$4,523,450.00

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1958, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.6913
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.8387
Total rate per $100 of valuation of taxable property	1.53

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $35,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of July, 1958.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 24 day of July, 1958, to become effective 24 day of July, 1958.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robt. W. Wells
CORPORATION COUNSEL

Councilman Morgan introduced a resolution authorizing Mayor to execute lease with the United States of America for space in the City Building, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3, at page 452.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, July 31, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, July 31, 1958, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, T. B. Sumner, W. F. Algary, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

The following Resolution was introduced by Councilman Algary, seconded by Councilman Mulvaney, read in full, considered, and unanimously adopted:

Resolution accepting the Grant Offer dated July 23, 1958 made by the Administrator of Civil Aeronautics on behalf of the United States of America to the Sponsor of the Asheville Airport in the sum of not to exceed $99,439.00, as an aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville of North Carolina.

Section 1. That the City of Asheville hereby accepts, on its own behalf, the offer of a grant of funds made by the Administrator of Civil Aeronautics on behalf of the United States of America dated July 23, 1958 to the Sponsor in the sum, for the purposes and subject to the conditions set forth below.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of said Grant Offer in sextuple on behalf of the City of Asheville and Margaret Simmons, the City Clerk, is hereby authorized and directed to impress the official seal of the City of Asheville and to attest said execution.

Section 3. That the Grant Offer referred to herein above is as follows and when accepted shall constitute the Grant Agreement:

DEPARTMENT OF COMMERCE
CIVIL AERONAUTICS ADMINISTRATION
Washington 25

Contract No. C2ca-5944

GRANT AGREEMENT

Part I - Offer

Date of Offer Jul 23 1958
Asheville Airport
Project No. 9-31-024-5902

TO: The City of Asheville, North Carolina
(herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Administrator of Civil Aeronautics, herein referred to as the "Administrator")

WHEREAS, the Sponsor has submitted to the Administrator a Project Application dated May 19, 1958 for a grant of Federal funds for a project for development of the Asheville Airport (herein called the "Airport"), together with plans and specifications for such project, which Project Application, as approved by the Administrator, is hereby incorporated herein and made a part hereof; and

WHEREAS, the Administrator has approved a project for development of the Airport (herein called the "Project"), consisting of the following described airport development:

Prepare site; construct NNW/SSE runway 6300' x 150', apron, parallel and connecting taxiways; relocate Fanning Bridge, Boiling Springs and Buck Shoals Roads; perform pavement marking. (The airport development to be accomplished, herein described, is in addition to that contemplated or accomplished under the Grant Agreement between the Sponsor and the United States for Project 9-31-024-5801.)

all as more particularly described in the property map and plans and specifications incorporated in the said Project Application;

NOW THEREFORE, pursuant to and for the purposes of carrying out the provisions of the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Congress), and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application, and its acceptance of this Offer, as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the Airport, as herein provided,

THE ADMINISTRATOR, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share of costs incurred in accomplishing the project, 50 percentum of all allowable project costs, subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be $709,179.00.

2. The Sponsor shall

(a) begin accomplishment of the Project within a reasonable time after acceptance of this Offer, and

(b) carry out and complete the Project in accordance with the terms of this Offer, and the Federal Airport Act and the Regulations promulgated thereunder by the Administrator in effect on the date of this Offer, which Act and Regulations are incorporated herein and made a part hereof, and

(c) carry out and complete the Project in accordance with the plans and specifications and property map incorporated herein as they may be revised or modified with the approval of the Administrator or his duly authorized representatives.

3. The Sponsor shall operate and maintain the Airport as provided in the Project Application incorporated herein.

4. The Administrator having determined that no space in airport buildings will be required by any city agency of the United States for the purposes set forth in paragraph 9 of Part III of the Project Application, the provisions of the said paragraph shall be deemed to be of no force or effect.

5. Any misrepresentation or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor in accepting this Offer shall terminate the obligation of the United States, and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, the Administrator on behalf of the United States may recover all grant payments made.

6. The Administrator reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any of the allowable costs of the Project unless this Offer has been accepted by the Sponsor within 60 days from the above date of Offer or such longer time as may be prescribed by the Administrator in writing.

8(a) It is mutually understood and agreed that the United States will not make final payment of the allowable costs of this project until the Sponsor has submitted satisfactory evidence that the airport approach areas, as defined in Technical Standard Order N-18 and Office of Airports Drawing No. 5100-1, both dated April 26, 1950, have been protected by the adoption of a zoning ordinance and regulations or by securing avigation easements or otherwise prohibiting the creation, establishment, expansion or construction in such areas of airport hazards to the extent provided for in such Drawing or as shall be by the Administrator as sufficient in the case of this particular airport. It is further mutually understood and agreed that if the approach areas shall have been protected by the acquisition of avigation easements or other interests in land, the assumption of this obligation shall not operate to bar inclusion of such acquisition in a subsequent project.

8(b) It is understood and agreed that with respect to each tract to be acquired under the 5801 project, no construction thereon shall be commenced until the Sponsor has demonstrated good title to such tract upon which construction is proposed, free and clear of all exceptions, encumbrances, and adverse interests which, in the opinion of the Administrator, would interfere with the use or operation of the airport.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said offer and acceptance shall comprise a Grant Agreement, as provided by the Federal Airport Act, constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in my event not to exceed twenty years from the date of said acceptance.

UNITED STATES OF AMERICA
THE ADMINISTRATOR OF CIVIL AERONAUTICS

By L. C. Elliott
Regional Administrator, Region II

Part II - Acceptance

The City of Asheville, North Carolina does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this 31 day of July 1958.

CITY OF ASHEVILLE, NORTH CAROLINA
(Name of Sponsor)

By E. W. Eller

Title Mayor

(SEAL)

Attest: Margaret Simmons

Title: City Clerk

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Robert W. Wells, acting as Attorney for City of Asheville, N. C. do hereby certify:

That I have examined the foregoing Grant Agreement and the proceedings taken by said City of Asheville relating thereto, and find that the Acceptance thereof by said City of Asheville has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of North Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the City of Asheville in accordance with the terms thereof.

Executed at Asheville, N. C. this 31 day of July 1958.

Robt. W. Wells

Title Corporation Counsel

Complete copy of resolution will also be found in Resolution Book 3 at page 453.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 7, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, August 7, 1958, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, W. F. Algary, C. E. Morgan, J. W. McRary, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A claim for damages for personal injuries to David Sideman in the amount of $1,500.00 was filed, which claim was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

TO THE HONORABLE EARL ELLER, MAYOR, AND THE CITY COUNSEL:

DAVID SIDEMAN, a minor, by his natural guardian, father, and next friend, Robert S. Sideman, hereby files this claim and notice of claim against the City of Asheville for injuries sustained, and to that end sets forth as follows:

1.

That the date on which the injuries were sustained by him was on the 13th day of May, 1958, at approximately 5:00 P. M.

2.

That the place of the happening of said injuries was on Durwood Road, at or near Apartment 22D, Edgewood Apartments, Asheville, North Carolina.

3.

That the manner in which said injuries were sustained is as follows:

This claimant was in the process of mounting his bicycle when, because of the inherently dangerous condition of a sewer or drainage ditch located at or near said Durwood Road, he was caused to fall into said sewer or drainage ditch, suffering injuries to his left middle finger, and other excruciating and painful injuries.

4.

That this claimant has been damaged by virtue of the negligence of the City of Asheville in the maintaining

of, and permitting the existence of, said drainage or sewer ditch in the aforesaid dangerous condition, to the extent of $1,500.00, and hereby files this as a notice of his claim for injuries sustained in compliance with the Code of the City of Asheville.

This the 7th day of August, 1958.

ROBERT S. SIDEMAN, as father, natural guardian and next friend of DAVID SIDEMAN, a minor

Robert Sideman

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain lots in the block containing #42 Starnes Avenue from RA-6 Residential District to Commercial District, and that actual notice in writing be given to the property owners involved as well as the property owners directly across the abutting streets of the area to be rezoned.

August 7, 1958

Honorable Mayor
Members of City Council
City of Asheville
City Building
Asheville, N. C.

Gentlemen:

At the regular meeting of the Zoning Commission of the City of Asheville held August 6, 1958 the following action was taken on the attached request referred to us for study and recommendation:

> The Zoning Commission recommends to the City Council that Lots 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, and 297 of Sheet 3, Ward 3 as shown on the City of Asheville tax maps be rezoned from RA-6 Residential to Commercial Zone. It is further resolved that in addition to the legal notice which the City Council may give with respect to this recommendation, actual notice in writing be given to the property owners involved as well as to the property owners directly across the abutting streets of the area to be rezoned.

Respectfully,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:ls

This recommendation was accepted by the Council and the Corporation Counsel was instructed to prepare ordinance complying with said recommendation to be placed before the Council on Thursday, August 28, 1958, and to give notice and publication of a public hearing on same.

The City Manager recommended to the Council consideration of a resolution creating an Urban Redevelop Commission, and advised that it was necessary to publish notice of this intention.

Whereupon Councilman Morgan moved that the regular meeting of the Council to be held on August 21, be set as the date to consider the passage of a resolution creating an Urban Redevelopment Commission for the of Asheville pursuant to the State "Urban Redevelopment Law", and that the City Clerk be directed to publish thereof as provided by law, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager presented the statement showing the budget position for the City of Asheville for the period ending July 31, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 14, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, August 14, 1958, at 4 o'clock P. M. with Mayor Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

The City Manager advised the Council of the offer of East Biltmore Water Company to sell its ph sets to the City for $80,000.00 to be paid $20,000 on closing and $20,00 each year for three years, the un ance to bear no interest. The City Manager recommended that he be authorized to further negotiate with th looking toward closing the transaction, final details to be brought to the Council for approval.

Following a discussion Councilman McRary moved that the City Manager be so authorized to proce motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised the Council that authorization from Civil Aeronautics Administration

the contractor to proceed with work on the airport had been received, and the job is expected to be in full operation by August 25th.

There being no further business, the meeting was upon motion adjourned.

Margaret Seminare
CITY CLERK

Thursday, August 21, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, August 21, 1958, at 4 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, W. F. Algary, F. M. Mulvaney, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A claim for damages for personal injuries to Eva Taylor Eller in the amount of $3,000.00 was presented, and referred to the Corporation Counsel for investigation.

Asheville, North Carolina
August 14, 1958

To the Honorable Mayor and
Council of the City of Asheville:

The undersigned, EVA TAYLOR ELLER, pursuant to the requirements of Section 150 of the Charter of the City of Asheville, hereby gives notice in writing of the happening or infliction of an injury complained of by her by reason of your negligence and hereby states:

1. The date and place of happening was Wednesday, August 6, 1958 at or about 3:50 P. M., on the sidewalk on Church Street near house No. 82.

2. The manner of such infliction: The sidewalk thereon was in a defective and dangerous condition, causing the claimant to fall.

3. The character of the injury was: That complainant fell, severely wrenching a knee, ankle and causing bruises, contusions, brush burns to various portions of her anatomy, breaking a finger and cutting her face, which will cause permanent facial disfigurement.

4. The amount of damages claimed is Three Thousand and 00/100 ($3,000.00) Dollars.

This the 14th day of August, 1958.

Respectfully submitted,

EVA TAYLOR ELLER
S/ Eva Taylor Eller

The City Manager called attention to the fact that this is the date set for the public hearing on the resolution creating an Urban Redevelopment Commission for the City of Asheville.

There being no objection, Councilman Preslar introduced a resolution creating an Urban Redevelopment Commission for the City of Asheville pursuant to the "Urban Redevelopment Law", being Sections 160-454, et seq. of General Statutes of North Carolina as amended, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 456.

Councilman Morgan introduced a resolution appointing members of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 457.

The City Manager presented a communication from the members of the Board of County Commissioners and Ex-Officio Trustees of the South Buncombe Water and Watershed District authorizing the City of Asheville to assume maintenance at its expense of all water facilities in the South Buncombe Water and Watershed District as of September 1, 1958.

City of Asheville
Asheville, North Carolina

August 19, 1958

Attention: Mr. Weldon Weir, City Manager

Gentlemen:

In line with our prior negotiations, this is to authorize the City of Asheville to assume maintenance at its expense of all water facilities in the South Buncombe Water and Watershed District as of September 1, 1958.

It is contemplated that the City will furnish to District users as good or better water service than the Distric
has been able to furnish in the past and will negotiate directly with individuals or groups of individuals in or
der to expand services and extend lines within the District.

It is further understood that this transfer of maintenance will continue year after year but may be terminated
the election of either the City or the District Trustees by giving one year's written notice to the other parti
hereto.

Yours very truly,

S/ Coke Candler
S/ J. C. Vance
S/ H. P. Mitchell
Members of the Board of County
Commissioners and Ex-Officio
Trustees of the South Buncombe
Water and Watershed District

The City Manager advised that this District comprised some 1,330 water users, and that without obj
on the part of the Council the administrative forces of the city will proceed as of September 1, 1958.

The City Manager presented the audit report of the City of Asheville Board of Alcoholic Control for
period ending June 30, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 28, 1958 - 4 o'clock P. M.

The City Council met in regular session Thursday, August 28, 1958, at 4 o'clock P. M. with Mayor E.
Eller presiding. Present: Councilmen T. B. Sumner, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, W. F. Algary,
J. W. McRary. City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute deed to Hilliard Green, whic
was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 458.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

THIS INDENTURE, made and entered into this 28th day of August, 1958, by and between the CITY OF ASHE-
VILLE, a municipal corporation existing under and by virtue of the laws of the State of North Carolina, party of
the first part, and HILLIARD GREEN, party of the second part;

WITNESSETH:

THAT WHEREAS, by resolution of the City Council of the City of Asheville on July 10, 1958, the p
hereinafter described was authorized to be sold at public sale; and

WHEREAS, after due and proper legal advertisement the property was sold at the Court House door of
Buncombe County, North Carolina on the 12th day of August, 1958, at which time Hilliard Green became the last
highest bidder in the amount of Fifty-eight Hundred ($5800.00) Dollars; and

WHEREAS, the provisions of the law in regard to said sale having been complied with; and

WHEREAS, the City Council of the City of Asheville on the 28th day of August, 1958 passed a resolu
authorizing and directing the sale and conveyance of said property to Hilliard Green for the sum of $5800.00;

NOW, THEREFORE, for and in consideration of the sum of $5800.00 paid to the party of the first part
the party of the second part, the receipt of which is hereby acknowledged, the said party of the first part has
bargained, sold, conveyed and confirmed, and by these presents does bargain, sell, convey and confirm unto the
said party of the second part, his heirs and assigns, all its right, title and interest in and to the following
described property located in the City of Asheville, County of Buncombe, State of North Carolina, and bounded a
more particularly described as follows:

BEGINNING at a stake in the Northwest corner of all that property shown on plat by Burns & Crickhan, Engin
dated October 16, 1915, recorded in Plat Book 198 at page 182 in the office of the Register of Deeds for B
County, runs thence with the western boundary line of said property shown on said plat in book 198 at page
South 1 deg. 16' West to the southwest corner of Lot 26 as shown on said plat; thence with the southern bo
lines of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17 and 16 as shown on said plat South 84 deg. 47' 30" E
a point in the southern boundary line of said Lot 16, which said point is South 84 deg. 47' 30" East 33 fe
said Lot 16's southwest corner; thence with part of the southern boundary of said lot 16 and the southern
of Lot 15, as shown on said plat; North 82 deg. 30' East 78.6 feet to a point in the western boundary lin
14, as shown on said plat; thence with the western boundary line of said Lot 14 South 4 deg. 0' West to i
west corner; thence with the southern boundary line of said Lot 14 North 82 deg. 30' East 61.2 feet to its
east corner; thence with the eastern boundary line of said Lot 14 North 4 deg. 0' East 142.6 feet to its
corner; thence with the northern boundary lines of said Lots 14 and 15 North 86 deg. West 120 feet to the
west corner of said Lot 15; thence North 4 deg. 0' East 310 feet with the eastern boundary lines of Lots
58, as shown on said plat, to the northeast corner of said Lot 58; thence runs with the northern boundary
of Lots 58, 59 and 60 North 86 deg. West 150 feet to the northwest corner of said Lot 60; thence North 4
East 170 feet and with the eastern boundary line of Lot 64, as shown on said plat, to its northeast corne
thence with the northern boundary lines of Lots 64, 63, 36 and 35, as shown on said plat, and with the no
boundary line of all of the property as shown on said plat 409.48 feet to the BEGINNING, reference to whi
plat is hereby made for greater certainty of description. Being the same property described as Tract B

dated July 2, 1955 to City of Asheville recorded in book 760 at page 407, Buncombe County Registry, and being the same property designated as Tract B on plat recorded in plat book 26 at page 96, and being the same property described in deed dated May 13, 1954 to City of Asheville, recorded in deed book 744 at page 680 Buncombe County Registry, ~~*29.75 ft. (shown 629.75 ft. erroneously on plat book 26, page 96)~~ **Excepting therefrom a 10 foot alley along its southern line.

Subject to any and all lawful and unpaid taxes thereon, and any rights or easements thereon for public utilities.

TO HAVE AND TO HOLD the above described land and premises, together with all the rights and appurtenances thereunto belonging or in any wise appertaining, unto the said party of the second part, his heirs and assigns, to the only use and behoof of him and his said heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by E. W. Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its corporate seal to be hereunto affixed, this the day and year first above written.

CITY OF ASHEVILLE

ATTEST:

By S/ E. W. Eller
MAYOR

S/ Margaret Simmons
CITY CLERK

(SEAL)

The City Manager called attention to the fact that this is the date set for the public hearing on the rezoning of certain property on Starnes Avenue.

Mr. A. A. Price, Mrs. Catherine Berry and J. T. Johnson, property owners or representatives of property owners with residences on the north side of Starnes Avenue opposite the affected area, attended the hearing to get information on the proposed change, and made no objection to adoption of the rezoning amendment.

The City Manager advised the Council that he had received a letter from the Planning and Zoning Commission regarding a typographical error in the former recommendation of the Planning and Zoning Commission and correcting said error.

August 27th, 1958

Honorable Mayor
Members of City Council
City of Asheville
Asheville, N. C.

Gentlemen:

It has just come to the writer's attention that an error was committed in the letter addressed to you dated August 7th, 1958, on behalf of the Zoning Commission which went out from the Secretary's office over my signature. The sheet in Ward 3 of the tax maps was shown in the letter of August 7th as Sheet 3 and should have been Sheet 2. This is a typographical error and I am therefore correcting the same by repeating as follows:

"At a regular meeting of the Zoning Commission of the City of Asheville held August 6, 1958 the following action was taken on the attached request referred to us for study and recommendation:

The Zoning Commission recommends to the City Council that Lots 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160 and 297 of Sheet 2, Ward 3 as shown on the City of Asheville tax maps be rezoned from RA-6 Residential to Commercial Zone. It is further resolved that in addition to the legal notice which the City Council may give with respect to this recommendation, actual notice in writing be given to the property owners involved as well as to the property owners directly across the abutting streets of the area to be rezoned."

Respectfully,

AR:MM
cc: Mr. J. Weldon Weir
Mrs. R. M. Swicegood

S/ Anthony Redmond
Anthony Redmond, Secretary
City of Asheville Planning and
Zoning Commission

The City Manager pointed out that the published notice of this proposed change had contained this error and that it would be necessary to publish a notice correcting same. Whereupon, Councilman Preslar moved that the City Clerk be instructed to publish a notice of a public hearing to be held on September 18, 1958 of the proposed change in said zoning ordinance, which motion was seconded by Councilman Sumner and unanimously adopted.

Following the public hearing Councilman McRary introduced Ordinance No. 409, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, September 4, 1958 - 4:00 o'clock P

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY C

Thursday, September 11, 1958 - 4:00 o'clock

The City Council met in regular session Thursday, September 11, 1958, at 4:00 o'clock P. M. with E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, W. F. Algary, C. M. Preslar, J. W. McRary, C. man, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Ordinance No. 409, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDIN #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE'," AS AMENDED, was, upon moti Councilman McRary, seconded by Councilman Algary, unanimously passed on its second reading with the follow

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A claim for damages on behalf of Alfreda Cook in the amount of $60,000.00 was presented, and refer to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

NOTICE OF CLAIM

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE:

Now comes Alfreda Cook of the City of Asheville and files notice of her claim for personal injuries against the City of Asheville.

The aforementioned injuries were sustained by the Claimant on the night of August 16, 1958, and were caused by a defect in the Street and Sidewalk at the corner of Broadway and Cherry Streets in the City of Asheville. A large stone slab was placed in an insecure manner over a storm drain in such a manner that when this Claimant attempted to step upon the curb in the Northern margin of Cherry Street the stone slab turned dropping her into a Storm Drain beneath.

That as a result of said fall this Claimant has sustained injuries to her back and legs which have caused her confinement at the present time to St. Joseph's Hospital, with a strong possibility that she will remain partially paralyzed for the balance of her life.

Your Claimant therefore files this Notice of Claim as required by Code of Asheville in apt time for personal injuries in the sum of Sixty Thousand ($60,000.00) Dollars.

Respectfully submitted,

S/ W. M. Styles
W. M. Styles
Attorney for Claimant

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

ALFREDA COOK, being first duly sworn says:

That she is the Claimant in the above matter; that she has read or heard read said Notice of Claim and knows the contents thereof; that same is true of her own knowledge, except as to the matters and things therein stated upon information and belief, and as to those matters she verily believes it to be true.

S/ Alfreda Cook
Alfreda Cook

Subscribed and sworn to before me this 4th day of September, 1958.

My commission expires: 9/9/58

S/ Sallie Kate Davi
Notary Public

Councilman Mulvaney introduced a resolution rejecting bid on certain property located on Hall which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 459.

AIRPORT -
AGREEMENT NO. C2

The following Resolution was introduced by Councilman Algary, seconded by Councilman Preslar, full, considered, and unanimously adopted:

Resolution accepting the Amendment No. 1 to Grant Agreement No. C2ca-5509-A dated September

made by the Administrator of Civil Aeronautics on behalf of the United States of America to the Sponsor of the Asheville Airport as an aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville of North Carolina.

Section 1. That the City of Asheville hereby accepts, on its own behalf, the Amendment No. 1 to Grant Agreement No. C2ca-5509-A made by the Administrator of Civil Aeronautics on behalf of the United States of America dated September 11, 1958 to the Sponsor for the purposes and subject to the conditions set forth below.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of the Amendment No. 1 to Grant Agreement No. C2ca-5509-A in sextuple on behalf of the City of Asheville and Margaret Simmons, the City Clerk, is hereby authorized and directed to impress the official seal of the City of Asheville and to attest said execution.

Section 3. That the Amendment No. 1 to Grant Agreement No. C2ca-5509-A referred to herein above is as follows:

AMENDMENT NO. 1 to GRANT AGREEMENT

Contract No. C2ca-5509-A
Asheville Airport
Project No. 9-31-024-5801

WHEREAS, the Administrator of Civil Aeronautics (hereinafter called the "Administrator"), has determined that, in the interest of the United States, the Grant Agreement relating to the above numbered Project, between the Administrator, acting for and on behalf of the United States, and the City of Asheville, North Carolina (hereinafter called the "Sponsor"), accepted by the Sponsor on April 10, 1958, should be amended as hereinafter provided:

NOW, THEREFORE, WITNESSETH:

That, in consideration of the benefits to accrue to the parties hereto, the Administrator, acting for and on behalf of the United States, on the one part, and the Sponsor, on the other part, do hereby mutually agree that the said Grant Agreement be and hereby is amended as follows:

1. That the project map Exhibit "A" attached to the Project Application and made a part of the aforementioned Grant Agreement is deleted, and there is substituted in its stead, the same as if originally attached to the said Project Application, a new property map, designated Revised Exhibit "A" which is shown to be revised as of July 22, 1958.

2. That the described airport development as set forth in Paragraph 2, page 1, of the Grant Agreement shall be amended by revising the area and tracts of land to be acquired so that the said described airport development shall hereafter read as follows:

"Acquire land (Tracts 1 through 16, inclusive, Tract 17A, Tracts 19 through 23, inclusive, and Tract 23A), all as shown on Exhibit "A" Revised as of July 22, 1958, attached to the Project Application in accordance with paragraph number 1 supra."

3. That paragraph 8(a) of the Grant Agreement be and hereby is deleted and it is mutually understood and agreed in connection with respect to the acquisition of land as referenced in paragraph 13(a) of the Project Application that the land to be acquired under this project shall be those designated tracts in paragraph 2 supra and as shown on the aforementioned Revised Exhibit "A"

4. It being further understood and agreed that the maximum amount of the obligation of the United States payable under said Grant Agreement shall not be increased by this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to said Grant Agreement to be duly executed as of the 11 day of September, 1958.

UNITED STATES OF AMERICA
THE ADMINISTRATOR OF CIVIL AERONAUTICS

By _____
Regional Administrator, Region II

(SEAL)

Attest: _____

Title: _____

CITY OF ASHEVILLE, NORTH CAROLINA

By _____

Title _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the City of Asheville, North Carolina, do hereby certify:

That I have examined the foregoing Amendment to Grant Agreement and the proceedings taken by the Sponsor relating thereto and find that the acceptance thereof by the Sponsor has been duly authorized, that the execution thereof is in all respects due and proper and in accordance with the laws of the State of North Carolina, and further that, in my opinion, said Amendment to Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Asheville, North Carolina, this 11 day of September, 1958.

_____
Title

I move the adoption of the foregoing resolution.

S/ W. F. Algary
COUNCILMAN

SECONDED BY:

S/ C. M. Preslar
COUNCILMAN

Read, approved and adopted, this 11th day of September, 1958.

APPROVED AS TO FORM:

S/ E. W. Eller
MAYOR

Robt. W. Wells
CORPORATION COUNSEL

S/ Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #3 at page 460.

The City Manager presented the audit of the City of Asheville for the period ending June 30, 1958.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 18, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 18, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, T. B. Sumner, F. Mulvaney, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

The City Manager called attention to the fact that this is the date set for the public hearing on rezoning of certain property on Starnes Avenue due to error made in original advertisement.

There being no objection, Ordinance No. 409, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE. BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously passed on its public and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 409

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

A. That the property hereinafter described be and is hereby rezoned from RA-6 Residential to Commercial District:

Lots 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160 and 297 of Sheet 2, Ward 3

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of passage.

I move the adoption of the foregoing ordinance, this 28 day of August, 1958.

J. W. McRary
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 18 day of September, 1958, to become effective 3 day of October, 1958

E. W. Eller
MAYOR

APPROVED AS TO FORM:

Robt. W. Wells
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution regretting death of George H. Wright, which was upon motion of Councilman Morgan, seconded by Councilman Mulvaney, and after having been read in full, unanimously adopted.

RESOLUTION REGRETTING DEATH OF GEORGE H. WRIGHT

WHEREAS, the Council of the City of Asheville desires to recognize the public service of and pay tribute to George H. Wright, one of the City's outstanding citizens, whose recent death is such a great loss to this community;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That each member of the governing body of the City of Asheville hereby expresses great sorrow upon the death of George Wright, and extends personal sympathy to his family; and

The City Administration hereby expresses great appreciation for the public service he has rendered Asheville, particularly as a member of the first Library Board of the City of Asheville which organized in 1919 and formed the foundation for the present fine public library operation, Mr. Wright having served continuously on said Library Board as chairman or member until his death, and, as a member of the Sinking Fund Commission for Buncombe County and the City of Asheville since 1945, his knowledge of municipal finances was invaluable to the fiscal management of our local governments; and

It is ordered that this resolution be made a part of the permanent records of the City of Asheville, and a copy sent to the family of Mr. George H. Wright in official remembrance of his service to his City and in praise of his community life as a devoted churchman, outstanding civic leader, and most able attorney.

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

T. B. Sumner
COUNCILMAN

W. F. Algary
COUNCILMAN

J. W. McRary
COUNCILMAN

COUNCILMAN

Read, approved and adopted, this 18 day of September, 1958.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

Robt. W. Wells
CORPORATION COUNSEL

Complete copy of resolution will also be found in Resolution Book [illegible] page [illegible].

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 25, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 25, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. M. Preslar, C. E. Morgan, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

SPECIAL MEETING - APPOINTMENT OF CITIZENS COMMITTEE

Mayor Eller reported that he had been asked to appoint a Citizens Committee for Urban Renewal as follows:

J. L. Widman, Chairman
Claude Ramsey - Asheville Citizen Times Co.
Perry C. Tomlin - The Bank of Asheville
E. M. Salley, Jr. -The American Enka Corp.
R. L. Ettenger - First Union National Bank & Trust Co.
J. W. Byers - Asheville Federal Savings & Loan Assn.
J. G. Northcott - Black Mountain

Harold S. Corey, Jr. - Beacon Mfg. Co.
F. O. McShane - Biltmore Sayles Bleachery
W. W. Shope - Weaverville
Dan G. Callahan - C. P. Clare Co.
Hal Starnes - Western-Southern Life Ins. Co.
Raymond F. Caell - Kearfott Co., Inc.
F. Stuart Chapin - 40 Shorewood Dr.
J. Bertram King - Architect
Lyndon McKee - Wachovia Bank & Trust Co.
George Abbott - Y.M.C.A.
Jesse Ray - Ray Funeral Home
Jack Brown - Merchants Construction Co.
Chas. T. Rawls, Jr., Earl Raiford Lumber Co.
Hyman Dave - Dave Steel Co.
John F. Shuford - attorney
Sam L. Irvin - Plaza Theatre
Jas. F. Morrison - T. S. Morrison & Co.

Councilman Morgan moved that the above be appointed, which motion was seconded by Councilman Al[illegible] and unanimously adopted.

PATTON AVENUE PARKING PLAZA, INC. (South Lexington Ave.)

Councilman Mulvaney introduced a resolution authorizing Mayor to execute lease with Patton Avenue Parking Plaza, Inc., for operating off-street parking facility by city, which was, upon motion of Councilman [illegible] seconded by Councilman Preslar, unanimously adopted. Mr. Charles G. Lee, attorney, briefly explained the terms of the lease.

Complete copy of resolution will be found in Resolution Book #3 at page 463.

NORTH CAROLINA
BUNCOMBE COUNTY

THIS LEASE, made and entered into on this the 23rd day of September, 1958, by and between PATTON AVENUE PARKING PLAZA, INC., a North Carolina corporation, hereinafter referred to as "LESSOR", and the CITY OF ASHEVILLE, a Municipal Corporation of the State of North Carolina, hereinafter referred to as "LESSEE";

WITNESSETH:

That Lessor for and in consideration of the rents, covenants, conditions and agreements hereinafter set forth to be kept and performed by Lessee, does hereby rent, demise and lease unto said Lessee the following described premises located on the west side of South Lexington Avenue, in the City of Asheville, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING at a point on the West margin of Lexington Avenue as now located at the Southeast corner thereof, property known as the Canie N. Brown property, formerly the Clara M. Featherstone property, and runs then[illegible] said margin of said Avenue as now located in a Southeast direction about 191.5 feet to a stake at the Nor[illegible] corner of the G. S. Tennent property (formerly) now the property of the First Presbyterian Church of Ashe[illegible] N. C., being Lot 3 as shown on a plat recorded in Deed Book 85 at page 50 in the office of Register of De[illegible] Buncombe County, N. C.; thence South 74 deg. 50' West with the common line of Lots 2 and 3 of said plat, [illegible] the present North line of said Church property, 68.7 feet to a stake, another common corner of said Lots [illegible] 3; thence with Various lines of the property of the First Presbyterian Church of Asheville, as follows: [illegible] 11 deg. 16' West 37.5 feet to a stake; South 79 deg. 29' West 21 feet to a stake; North 14 deg. West 22.[illegible] to a stake at a common corner of Lots 1 and 2 of said plat; thence continuing with the property of said C[illegible] and with the West line of said Lot 1, North 14 deg. West 60.1 feet to a stake; thence South 73 deg. 45' [illegible] 82 feet to a corner of the property of the said First Presbyterian Church (formerly), being also the Sou[illegible] corner of a tract of land conveyed by T. C. Smith, et al, to the trustees of the First Presbyterian Chur[illegible] Asheville, N. C., by deed dated October 24, 1950, and recorded in said Register's office in Book 699 at [illegible] 225; thence in a Northern direction with another line of the property of First Presbyterian Church, 68 f[illegible] more or less, to a stake in the South line of the Canie N. Brown property, formerly the Clara M. Feather[illegible] property; thence in an Eastern direction with the South line of the last mentioned properties about 161 [illegible] the BEGINNING. EXCEPTING from the above boundary, the tract of land conveyed by T. C. Smith et al. to [illegible] tees of the First Presbyterian Church by the deed above referred to. It is understood and agreed that t[illegible] ent wall on the South line of the above described property is a party wall for the use and benefit of th[illegible] of the above described property and of the First Presbyterian Church of Asheville, N. C. TOGETHER WITH [illegible] all easements or rights of way giving access to the above described premises from Church Street across p[illegible] now belonging to the First Presbyterian Church of Asheville, N. C., whether for a walkway for pedestrian[illegible] a driveway for vehicular traffic, now owned or hereinafter acquired by the Janirve Properties, Inc.

TO HAVE AND TO HOLD the above described premises unto the said Lessee for the term of ten ye[illegible] ning as of September 1, 1958 and extending until August 31, 1968, unless terminated at an earlier date [illegible] after provided, on the following terms and conditions.

1: Lessee agrees to pay Lessor as rental for the leased premises 45% of all gross receipts [illegible] Lessee may receive from the said real estate, or from any operation conducted thereon. Payment to be m[illegible] such rental by the Lessee to Lessor on or before the 10th day of each month for 45% of the gross receip[illegible] in by the Lessee during the preceding calendar months.

2: It is understood and agreed between the parties hereto that Lessee shall operate on the [illegible] hereby leased a public parking lot and shall conduct thereon operations auxiliary to the operation of a [illegible] parking lot and that said premises shall be used by the Lessee for no other purposes whatsoever.

3: The Lessee covenants and agrees as follows:

(a) That it will, at its own expense, raze and demolish, or cause to be razed and demolished [illegible] houses, buildings and structures which may be on said premises, and will pay over to the Lessor any pr[illegible] the salvaged materials which are in excess of the expenses for so razing and demolishing said houses, [illegible] or structures.

(b) That it will, at its own expense, level the property above described so that the maximu[illegible] the property may be utilized for the purpose set forth in the preceding paragraph and make all necessa[illegible] ments thereon.

(c) That Lessee will apply stone or asphalt surfacing to the property hereby leased.

(d) That Lessee will keep all improvements erected or placed upon the premises in reasonable repair and that said improvements shall become the property of Lessor at the termination of this lease.

(e) Lessee will supervise and operate the property as a public parking lot in a proper and business-like manner, keeping proper records of all receipts from said operation and will charge for parking the prevailing prices for parking in lots situate near the premises above described.

(f) Lessor shall have the right to inspect any records of the Lessee relating to the operation of said parking lot or any receipts therefrom and shall have the right to make any other investigation or check of said receipts which may be necessary and proper.

(g) Lessee will pay all utilities and expenses in connection with the use and operation of said parking lot during the term of this lease.

(h) Upon the completion of all improvements and prior to beginning of operation of the parking lot above described Lessee shall furnish to Lessor a statement showing the cost to Lessee of the improvements made to or placed upon the said premises.

4: If at any time during the term of this lease Lessor or its successors and assigns present to Lessee a bona fide contract, plan or arrangement to build a substantial parking building structure on the premises, it shall have the right to terminate this lease upon paying to Lessee that proportionate part of any money spent by Lessee in improving the said premises which the unexpired portion of the lease bears to the total term of the lease. As an illustration of the application of this provision, if Lessor, its successors and assigns, at the expiration of five years from the commencement of this lease shall desire to terminate the same it shall have the right to do so upon the payment to the Lessee of 50% of the sum expended by Lessee in the improvement of said premises.

5: Lessee may not assign this lease or any portion thereof or sublet the premises hereby leased without the written consent of Lessor, its successors and assigns, except to grant concessions for the conduct of operations which may be auxiliary to the use of the premises for a public parking lot.

6: Lessee will carry or cause to be carried comprehensive public liability insurance contractural liability with limits of $100,000.00 for any one person and $300,000.00 for any one accident covering its occupancy of or operations in or upon the leased premises, such insurance to be in a company or companies regularly licensed to do business in the State of North Carolina, and such insurance is to be maintained in effect during the entire term of this lease in the names of Lessee, Lessor and Janirve Properties, Inc., a Florida corporation. This provision for insurance coverage being inserted in this lease by virtue of similar provisions contained in a lease from the owner of said premises Janirve Properties, Inc., to Lessor, dated August 30, 1958 with which Lessee is familiar.

7: That the said Janirve Properties, Inc. having secured in written form from the Trustees of the First Presbyterian Church of Asheville, N. C., a duly authorized and executed easement granting to it and those claiming under it the right to a passage or walkway not less than four feet in width extending from the east margin of Church Street along the south line of the property now occupied by the Swannanoa Laundry which is immediately north of and adjoining the property of said Church and the leased premises, Lessee agrees that during the entire term of this lease said Church shall have on behalf of its congregation and those attending its services the free right and privilege to use without charge all of the parking facilities on the leased premises on Sundays, said parking privileges to terminate at two o'clock P. M. on said day.

8: Lessor will pay to the City of Asheville and County of Buncombe all ad valorem taxes during the term of this lease levied against said leased premises or any improvements thereon, such payments to be made within the time required by law for the payment of such taxes. If Lessor fails to pay any such taxes within the time above indicated Lessee may at its option pay any of such taxes and in that event the amount so paid shall be deducted from the rent herein provided for until the full amount so paid by Lessee shall have been repaid.

9: In the event of the taking of any part or all of the leased premises or the improvements thereon by lawful authority under the power of eminent domain Lessor and Lessee shall have the full right to pursue any and all legal remedies available to them in their own name, to recover damages sustained by them for such taking. Should the leased premises or any part thereof be taken or condemned for a public use, this lease shall as to the part so taken, terminate as of the date title shall vest in the condemnor, and rent shall abate in proportion to the amount of land taken or condemned or shall cease if the entire premises be so taken.

10: If Lessee at any time fails to pay the rent above provided for more than thirty days after the same shall become due or shall fail to keep and perform any of the covenants or agreements herein contained to be kept, or performed by Lessee, then in either of the events hereinbefore specified the said Lessor, its successors and assigns may at their option, declare this lease cancelled and terminated after giving to the Lessee ten days written notice of its intention so to do. Thereupon Lessor, its successors and assigns, may take possession of the premises without any legal process and the Lessee agrees to surrender the premises to Lessor, its successors and assigns immediately.

11: Lessor covenants and agrees with Lessee that subject to the terms and conditions herein contained Lessee shall have and enjoy the premises during the term herein provided for free from the adverse claims of any and all persons whomsoever.

12: All amounts of rent accruing hereunder shall be sent to Lessor by mail at its address, 22 Patton Avenue, Asheville, N. C.

IN WITNESS WHEREOF, Lessor has caused this instrument to be executed by its President, duly attested by its Secretary and its corporate seal affixed and Lessee has caused this instrument to be executed in its name by its Mayor and attested to by its Clerk and its corporate seal affixed under and by virtue of the authority duly granted by resolution adopted by the Council of the City of Asheville, this lease and the resolution authorizing the same having been duly submitted to and approved as to form by its Corporate Counsel and all matters and things necessary and proper for the said City of Asheville to execute this contract having been duly and properly done.

This the day and year first above written.

ATTEST:

S/ R. S. Burns
Secretary
(SEAL)

PATTON AVENUE PARKING PLAZA, INC.

By S/ Coleman Zapoir
President
Lessor

ATTEST:

S/ Margaret Simmons
City Clerk
(SEAL)

CITY OF ASHEVILLE

BY S/ E. W. Eller
Mayor
Lessee

NORTH CAROLINA
BUNCOMBE COUNTY

I, a Notary Public of said State and County, certify that W. S. BURNS personally came before me this day and acknowledged that he is Secretary of Patton Avenue Parking Plaza, Inc., a corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and Notarial Seal, this 23rd day of September, 1958.

My commission expires:
Sept. 9, 1962
(Seal)

S/ Carrie O'Connell
Notary Public

NORTH CAROLINA
BUNCOMBE COUNTY

This 25 day of September, 1958, personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, E. W. Eller, who, being by me duly sworn, says that he is Mayor of the City of Asheville, a Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in the name of said corporation by himself as Mayor, sealed with its corporate seal and attested by its City Clerk.

Witness my hand and Notarial Seal, this the day and year first above written.

My commission expires
Dec. 16, 1958
(Seal)

S/ Lillian Ducker
Notary Public

The City Manager submitted a proposal from Leon McCrary of Central American Safaris to supply [illegible] at Recreation Park with a collection of 100 Central American animals, birds and reptiles upon a return of [illegible] the gross take with a guarantee of a $2,500 yearly minimum.

Councilman McRary moved that the City Manager be requested to explore the matter further and report back to the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager presented the audit report for the Sinking Fund Commission for Buncombe County for the period ending June 30, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, October 2, 1958 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY

Thursday, October 9, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 9, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, T. B. Sumner, C. [illegible] lar, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Eastern side of Logan Avenue)

A petition signed by a number of property holders and residents of Logan Avenue requesting that the eastern side of Logan Avenue be rezoned from Commercial District to Residential District was presented to the Council.

This petition was referred to the Planning and Zoning Commission for study and recommendation.

LIBRARY BOARD - APPOINTMENT OF MEMBER (WALTER R. McGUIRE)

Councilman Preslar introduced a resolution appointing member of Library Board of City of Asheville, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 464.

QUIT-CLAIM DEED - THOMAS M. PARSONS

Councilman Sumner introduced a resolution authorizing Mayor to execute quit-claim deed to Thomas M. Parsons, which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 465.

EASEMENT - CAROLINA POWER & LIGHT COMPANY

Councilman Morgan introduced resolution authorizing Mayor to execute easement to Carolina Power & Light Company, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3, page 466.

State of North Carolina,
County of Buncombe.

KNOW ALL MEN BY THESE PRESENTS, That CITY OF ASHEVILLE, a municipal corporation of North Carolina, grantor(s) of said County and State, in consideration of the sum of $1.00, to me (us) in hand paid by CAROLINA POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said CAROLINA POWER & LIGHT COMPANY, its successors and assigns, the right, privilege and easement to go in and upon those certain tracts or lots of land situated in said County and State, containing nine lots, being lots Nos. 123, 124, 125, 126, 127, 133, 134, 135 and 136 as shown on Sheet 11, Ward 3 of Tax Maps of City of Asheville, and also being same lots shown on plat as lots 2 thru 6 of Block "B" and 133 thru 136 of Block "A" recorded plat book 16 page 19 of Buncombe County Registry, and to construct, maintain and operate in, upon, and through said premises, in a proper manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmitting power by electricity, together with the right at all times to enter upon said premises for the purpose of inspecting said line and making necessary repairs and alterations thereon; and the right to permit the attachment of and/or carry in conduit wires and cablds of any other company or person; together with the right at all times to cut away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper maintenance and operation of the same. To have and to hold the aforesaid right, privilege and easement unto the CAROLINA POWER & LIGHT COMPANY, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this easement to be signed in its name by its duly authorized officers, and its corporate seal to be hereunto affixed, this 9th day of October, 1958.

CITY OF ASHEVILLE

ATTEST:

S/ Margaret Simmons
Clerk

By S/ E. W. Eller
Mayor

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Lillian Ducker, a Notary Public in and for the State and County aforementioned, do hereby certify that Margaret M. Simmons personally came before me this day and acknowledged that she is City Clerk of the City of Asheville, a municipal corporation of North Carolina, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by herself as its City Clerk.

Witness my hand and Notarial seal, this 9 day of October, 1958.

My commission expires:
Dec. 16, 1958
(Seal)

S/ Lillian Ducker
Notary Public

SOUTHERN RAILWAY COMPANY - RIGHT OF WAY AGREEMENT (Buena Vista water line)

Councilman McRary introduced a resolution authorizing Mayor to execute right-of-way agreement with Southern Railway Company for Buena Vista water line, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 467.

THIS AGREEMENT, made this 9 day of October, 1958, between SOUTHERN RAILWAY COMPANY, a Virginia corporation, hereinafter styled Company; and CITY OF ASHEVILLE, North Carolina, a municipal corporation of North Carolina, hereinafter styled Licensee;

W I T N E S S E T H:

COMPANY grants unto Licensee, in so far as Company's present title enables it so to do, the right or license to construct and maintain two (2) cast iron water pipe lines, one a ten (10) inch pipe and the other a sixteen (16) inch pipe, upon and across the right of way or property (hereinafter called property) and under the main track of Company, at a point 563 feet north of Milepost W-6, at or near BUENA VISTA, Buncombe County, North Carolina, said pipes to be encased in a forty-two (42) inch corrugated metal pipe where the same pass under said track; the aforementioned installation, together with appurtenances, if any, in connection therewith, being hereinafter referred to as "Facility" and being located substantially as shown on print of Drawing No. 19514, dated August 12, 1958, hereunto annexed and made a part of this agreement.

THE PARTIES HERETO agree in consideration of said license as follows:

1. Licensee will install or construct, use and thereafter maintain said Facility in such manner and condition that Facility will not in any way interfere with the safe and proper operation and maintenance of the railroad of Company or business conducted thereon, or endanger life or limb of persons on the property of Company, and in such installation or construction, use and maintenance agrees to comply with (a) plans and specifications (if any) referred to, shown or noted on said annexed print and such other specifications as may reasonably be prescribed by Company, (b) applicable rules and regulations prescribed therefor by statute or by proper governmental authority, and (c) applicable current specifications adopted by the Association of American Railroads as far as they do not conflict with plans and specifications or rules and regulations mentioned in items (a) and (b) above. If the construction, maintenance, use or control of the property of Company or present or future tracks or structures thereupon shall make necessary or advisable any change in the location, grade, elevation or construction of the Facility, Licensee will, at the expense of Licensee, upon written notice from Company, make such change in said Facility as may be necessary to meet the requirements of Company for the purposes aforesaid, and thereafter maintain the same hereunder in all other respects as herein provided.

2. If Licensee shall make default in the performance of any of covenants of Licensee herein contained, or if said Facility shall by reason of improper maintenance or otherwise become a source of danger to, or likely to interfere with, the railroad operations of Company, and Licensee shall not remedy such default or the condition complained of by Company within 30 days after notification by Company so to do, the license hereby granted

may, at the expiration of such 30 day period, at the option of Company, be revoked, and Licensee shall, at the
pense of Licensee, upon written notification by Company so to do, and in any event upon the termination of
agreement by either party if provision is hereinafter made for such termination, forthwith remove said Facil
from the property of Company and restore said property to condition existing prior to the construction of sa
cility thereupon; or, in default thereof, Company may, at its election, take such action as is necessary to
removal of said Facility by Licensee, or itself remove the same and restore the condition of said property
expense of Licensee; PROVIDED, however, that in the event of an emergency necessitating, in the judgment of
proper officer of Company, immediate repairs to said Facility, Licensee shall do and perform the requisite
forthwith upon request of Company, or, failing so to do, Company may itself make such repairs, but at the
of Licensee.

3. Licensee shall be responsible for all injury to or death of persons or loss of or damage
property which may accrue from or be attributable to the construction, maintenance, use or presence of the
ity upon the property of Company, whether said loss, injury or damage shall result from the negligence of L
or agents or employees of Licensee, in or about or in connection with the construction, maintenance or use of
Facility, or otherwise; and Licensee shall indemnify Company against all such loss, injury or damage.

4. Licensee will pay, upon the execution and delivery of this agreement, the sum of none as
tribution toward the engineering, legal and supervision expense incurred by Company.

5. This agreement shall inure to the benefit of and be binding upon the respective successo
assigns of the parties hereto, as well as upon the parties themselves.

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year
above written. Done in duplicate, each part being an original.

In presence of:

SOUTHERN RAILWAY COMPANY,
By

As to Company. Vice President.

In presence of:

CITY OF ASHEVILLE, North Caro
By

S/ Margaret Simmons
City Clerk

S/ E. W. Eller
Mayor.

(Seal)

Dr. Samuel Robinson of 108 Forest Hill Drive, speaking for W. L. Teasley, 524 Biltmore Avenue,
nard L. Bach, 526 Biltmore Avenue, J. W. Beard, 528 Biltmore Avenue, and Campbell Posey, 530 Biltmore Avenue,
before the Council to request that the five lots on the eastern side of Biltmore Avenue between Forest Hill
Newton School be rezoned from Neighborhood Trading Area to Residential District. Dr. Robinson stated that
no spokesman for the Lasater Estate, owner of 520 Biltmore Avenue.

Councilman Morgan moved that this request be referred to the Planning and Zoning Commission
and recommendation, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, October 16, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 16, 1958, at 4:00 o'clock P. M. with
E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, C. M.
City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

An invitation was extended members of the Council by Laurence Widman, Chairman of the Citi
visory Committee for Urban Renewal, to attend a meeting on October 24th at 4:00 in the Council Chamber, at
time Mr. Walter E. Keyes, Regional Administrator, will be one of the speakers.

Councilman Morgan introduced a resolution authorizing agreement between James E. Ashe, C
Public Accountant, and City of Asheville, which was, upon motion of Councilman Morgan, seconded by Council
Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 468.

AGREEMENT, made this 1 day of October, 1958, in accordance with the requirements of the Public Laws
Carolina, between James E. Ashe of Asheville, North Carolina hereinafter known as the Par
(Accountant or Accountants) (City or State)
First Part, and City Council of City of Asheville, North Carolina , hereinafter known as the Pa
(Governing Body) (Governmental Unit)
Second Part.

1. IT IS AGREED that the Party of the First Part shall conduct an audit of the accounts and rec
taining to the following funds and/or divisions of the Party of the Second Part:

GENERAL CITY OPERATING, WATER OPERATING, SINKING FUNDS
CAPITAL FUNDS, AND REVOLVING FUND.

for the period beginning July 1, 1958 and ending June 30, 1959 in accordance with the Standard Program o

Procedure attached hereto and made a part of this contract. (Authority for elimination or variations from the Standard Program of Audit Procedure must be obtained by the Governmental Unit from the Director of Local Government, in writing, before a contract is executed, and such eliminations, when approved by the Director of Local Government, must be stated hereunder with reference to the paragraph number designated in said Standard Program of Audit Procedure.)

2. Party of the First Part agrees that the services he has contracted to perform under this contract shall be rendered by or under the personal supervision of competent accountants who will faithfully perform their work with care and diligence and report all irregularities, omissions and discrepancies in the accounts of the Party of the Second Part.

3. It is understood and agreed that should unusual conditions arise whereby the services of the Party of the First Part are necessary beyond the extent of the work contemplated and required under the Standard Program of Audit Procedure, such unusual conditions shall be referred to the Party of the Second Part who shall instruct said Party of the First Part concerning such additional services, which shall be subject to the approval of the Director of Local Government.

4. The audit shall be started as soon after this contract is executed and approved as is agreeable to the parties hereto and shall be completed and a written report thereon rendered within a reasonable time after the close of the fiscal period covered by this contract. One copy of said report shall be filed with the Director of Local Government.

5. In consideration of the faithful performance of the conditions covenants and undertakings herein set forth, the Party of the Second Part agrees to pay to the Party of the First Part upon approval by the Director of Local Government, a fee of

Two Thousand Six Hundred ($2,600.00) Dollars

James E. Ashe, Certified Public Accountant
Party of the First Part

By S/ James E. Ashe

CITY OF ASHEVILLE
Party of the Second Part

By S/ Weldon Weir
City Manager

Provision for the payment of the moneys to fall due under this agreement has been made by appropriation duly made or by bonds or notes duly authorized as required by the "County Fiscal Control Act, as amended."

S/ Mary S. Eudy
County or Municipal Accountant
of Asheville, North Carolina

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, October 23, 1958 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

CITY CLERK

Thursday, October 30, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 30, 1958, at 4:00 o'clock P. M. with Mayor
. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, T. B. Sumner, J. W. McRary, W. F. Algary,
City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

ORDER - SALE CONTRACT WITH
EAST BILTMORE WATER COMPANY,
INC.

Councilman Algary introduced a resolution authorizing Mayor to execute sale contract for purchase of all physical assets of East Biltmore Water Company, Inc., which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 469.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS AGREEMENT made and entered into this the 30 day of October, 1958, by and between EAST BILTMORE WATER COMPANY, INC., a North Carolina corporation, with its principle office and place of business at Biltmore, North Carolina, PARTY OF THE FIRST PART, and the CITY OF ASHEVILLE, a municipal corporation, located in Buncombe County, North Carolina, PARTY OF THE SECOND PART,

W I T N E S S E T H:

That for and in consideration of the sum of TEN ($10.00) DOLLARS and other valuable considerations and in consideration of the mutual covenants and agreements hereinafter contained the parties to this instrument do hereby contract and agree as follows:

1.

The party of the first part hereby agrees to sell and the party of the second part hereby agrees to purchase from the party of the first part all of its physical assets owned by the party of the first part as shown

by audit of Albert H. Blake, C.P.A., for the year ending December 31, 1957, under the title of "Capital Assets" including land and buildings, structures and improvements, water mains, lines, meters, hydrants, office furniture and equipment, tools and work equipment and rolling stock, and including also accounts receivable not more than sixty days old as of the date of the closing of this transaction, for the total purchase price of EIGHTY THOUSAND ($80,000.00) DOLLARS plus such amount as shall equal such accounts receivable as of the date of the closing; the party of the first part further agrees to assign and pay to the party of the second part the water deposits from consumers held by it at the time of closing.

2.

The party of the first part agrees that on the date of the closing it will execute to the party of the second part a good and sufficient bill of sale and deed in fee simple describing the above properties, and the party of the second part agrees that it will pay to the party of the first part on said date the sum of TWENTY THOUSAND ($20,000.00) DOLLARS to be applied on the total purchase price provided in paragraph one hereof, and will execute its promissory note to the party of the first part in the remaining principal balance, to be payable TWENTY THOUSAND ($20,000.00) DOLLARS one year from date, TWENTY THOUSAND ($20,000.00) DOLLARS two years from date, and the then remaining balance to be payable three years from date, said note to bear no interest; said deed and bill of sale shall contain a description of said note and shall provide that in the event the party of the second part shall fail to make any of said payments as the same shall become due, then the party of the first part may repossess said properties, said party of the first part, however, to have no right under the provision of said deed to obtain a deficiency judgment against the party of the second part.

3.

Upon the execution of these presents, the party of the first part agrees that it will make prompt application to the Utilities Commission of the State of North Carolina requesting the approval of said Commission of a transfer of said assets to the party of the second part, and further requesting approval of the surrender of franchise by said Commission, to be effective on the date of the closing of this transaction.

4.

This purchase and sale shall be completed by January 15, 1959.

IN TESTIMONY WHEREOF, the party of the first part has caused this instrument to be executed in its name all by order of its Board of Directors duly given, and the party of the second part has caused this instrument to be executed in duplicate pursuant to resolution duly passed by the City Council of the City of Asheville, this the day and year first above written.

ATTEST:

S/ Mrs. Wayne Morgan
SECRETARY

(Seal)

EAST BILTMORE WATER COMPANY, INC.

By S/ R. M. Trantham
PRESIDENT

ATTEST:

S/ Margaret Simmons
CITY CLERK

(Seal)

CITY OF ASHEVILLE

By S/ E. W. Eller
MAYOR

NORTH CAROLINA
BUNCOMBE COUNTY

I, Marie W. Troitina, Notary Public of said County and State, do hereby certify that personally appeared before me this day Roy M. Trantham and acknowledged that he is the duly elected, qualified and acting President of East Biltmore Water Company, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by Mrs. Louise Morgan as its Secretary, all in accordance with the orders and authority of the Board of Directors of said corporation duly given.

Witness my hand and notarial seal, this the 30 day of October, 1958.

S/ Marie W. Troitina
Notary Public

My commission expires:
Mar. 2, 1959
(Seal)

NORTH CAROLINA
BUNCOMBE COUNTY

I, Lillian Ducker, Notary Public of said County and State, do hereby certify that personally appeared before me this day Earl W. Eller and acknowledged that he is the duly elected, qualified and acting Mayor of the City of Asheville, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by Margaret Simmons as its City Clerk, all in accordance with the resolution of the City Council duly adopted.

Witness my hand and notarial seal this the 30 day of Oct., 1958.

S/ Lillian Ducker
Notary Public

My commission expires:
Dec. 16, 1958
(Seal)

City Manager Weldon Weir reported briefly on the recent convention of the International City Managers Association which he attended in Dallas, Texas.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 6, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 6, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, C. M. Presler, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A letter was received from J. E. Johnson, owner of Lot No. 10 as shown on Plat Book 26 at page 76 requesting that said lot be rezoned from Residential Area to Neighborhood Trading Area.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

Councilman Morgan introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 470.

Councilman Sumner introduced a resolution authorizing Mayor to execute Declaration of Withdrawal from Dedication for Public or Private Use certain property, which was, upon motion of Councilman Sumner, seconded by Councilman Presler, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 471.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

DECLARATION OF WITHDRAWAL

This DECLARATION OF WITHDRAWAL, made and entered into this 6th day of November, 1958, pursuant to the provisions of Section 96, Chapter 136, of the General Statutes of North Carolina, by the CITY OF ASHEVILLE, a municipal corporation, and HILLIARD GREEN and wife, RUTH BARKER GREEN;

W I T N E S S E T H:

THAT, WHEREAS, W. R. Whitson and W. H. Westall dedicated or offered to dedicate the streets and alleyways hereinafter described by the registration of a Plat entitled "Map of Whitson-Westall Addition", by Burns and Crickbm, Engineers, dated October 16, 1915, which map or plat is recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 198, at Page 182; and

WHEREAS, by various deeds from the said W. R. Whitson and W. H. Westall and their successors in interest, the City of Asheville has become and is now vested with a fee simple title to said streets and alleys as shown on said Plat and of all of the lots shown on said Plat which front and abut on the portion of said streets and alleyways hereinafter described; and

WHEREAS, the portion of said streets and alleyways hereinafter described were not actually opened and used by the public within fifteen (15) years from and after the dedication thereof and in fact have never actually been opened or used by the public; and

WHEREAS, the use of said portion of said streets and alleyways as hereinafter described never has been and is not now necessary to afford convenient ingress or egress to any lot or parcel of land sold and conveyed by said dedicators of such streets and alleyways; and

WHEREAS, the City of Asheville, as the owner of the fee simple title to the streets and alleyways hereinafter described and all lots as shown on said Plat, which abut or front said portion of said streets and alleyways, is desirous of withdrawing from dedication said portion of said streets and alleyways and by resolution of the City Council of the City of Asheville has been authorized and directed to do so; and

WHEREAS, by resolution, dated August 28, 1958, said City Council authorized the sale of the portion of the property shown on said Plat, recorded in Plat Book 198, at Page 182, to Hilliard Green and wife, Ruth Barker Green, for FIVE THOUSAND EIGHT HUNDRED AND NO/100 ($5,800.00) DOLLARS and authorized and directed the Mayor to execute a Deed therefor, which property includes the streets and alleyways or a portion thereof withdrawn from dedication by the terms hereof; and

WHEREAS, the purchase price for said property has not been paid in full nor the deed delivered, but the said Hilliard Green and wife, Ruth Barker Green, are parties hereto for the purpose of joining in the withdrawal from dedication.

NOW, THEREFORE, for and in consideration of the premises and pursuant to authority duly given, the City of Asheville and Hilliard Green and wife, Ruth Barker Green, as the successors in interest of said dedicators do hereby withdraw from dedication for public or private use the following described property as shown on said Plat of Whitson-Westall Addition recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 198, at Page 182;

1.

All of Hawthorn Street as shown on said Plat.

2.

All of Poppy Place lying to the West of a line connecting the Southwest corner of Lot 65 and the Northwest corner of Lot 60 as shown on said Plat.

3.

All of Rosewood Avenue lying West of a line connecting the Southwest corner of Lot 50 with the Northwest corner of Lot 15 of said Plat.

4.

All of the 20.02 foot alleyway lying immediately West of and adjacent to the West lines of Lots 27 to 35, inclusive, as shown on said Plat.

5.

All of the 10 foot alley lying adjacent to and immediately South of the Southern lines of Lots 15 to 26, inclusive, as shown on said Plat.

IN WITNESS WHEREOF, the City of Asheville has caused these presents to be signed by Earl Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its corporate seal to be hereunto affixed, and the said Hilliard Green and wife, Ruth Barker Green, have hereunto set their hands and seals, this the day and year first above written.

ATTEST:

S/ Margaret Simmons
CITY CLERK

(SEAL)

CITY OF ASHEVILLE

BY: S/ E. W. Eller
MAYOR

HILLIARD GREEN

RUTH BARKER GREEN

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This the 6 day of November, 1958, personally appeared before me, a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed instrument is the corporate seal of said corporation, and that said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said E. W. ELLER acknowledged the said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the 6 day of November, 1958.

My commission expires:
Dec. 16, 1958
(SEAL)

Lillian Ducker
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public of said State and County, do hereby certify that HILLIARD GREEN and wife, RUTH BARKER GREEN, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this _____ day of November, 1958.

My commission expires:

_____
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The foregoing Certificates of _____ and _____, Notary or Notaries Public of said State and County, are adjudged to be correct. Let the instrument and the certificates be registered.

This _____ day of November, 1958.

_____

The City Manager presented the statement showing the budget position of the city for the period ending October 31, 1958.

Mr. William Styles, attorney representing a group of twenty-one homeowners of Shelburne Road and Talmadge Street, appeared before the Council to ask for relief in eliminating a nuisance caused by recurrent breaks in a creek-bed sewer line along Shelburne Road and Talmadge Street. He stated that a terra cotta line running the unnamed creek between the two streets has been broken by high water repeatedly since 1955 and has been discharging raw sewage into the creek.

The City Manager said he believed much of the trouble is caused by the sharp curves of the line at that point, and that the city would undertake to straighten the creek bed if the property owners involved would agree to have the new creek bed across their properties, and that the city would clean up the existing creek bed.

The delegation agreed to accept the city proposal and to get needed signatures to easements authorizing the city to open the staightened creek bed across the properties involved.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 13, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 13, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, C. M. Preslar, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A communication was received from the Board of Directors of the Asheville Chamber of Commerce commending the City Council on the excellent job being done to create adequate off-street parking facilities, and urging the Council to continually keep alert as to future desirable opportunities for the expansion of these facilities.

The City Manager reported that engineering surveys have been completed on the job of straightening a creek between Shelburne Road and Talmadge Street where there have been repeated sewer line breaks, and that a start will be made on the project as soon as the residents have obtained all needed signatures on a petition authorizing the city to cut the new creek bed across the affected properties.

The City Manager reported that negotiations with Leon McCrary, head of Central American Safaris in British Honduras, to supply the zoo at Recreation Park with a collection of 100 Central American animals, birds and reptiles have reached a satisfactory stage, and that if the Council has no objection he will close the contract with McCracy and proceed with the renovation of the old animal house at Recreation Park in preparation for opening the zoo next spring.

Following a discussion the City Manager was authorized to so proceed.

Councilman Sumner asked Police Chief A. R. Sluder for a report on the recent episode in which a group of youths has been charged with imprisoning victims in an empty cemetery grave.

Chief Sluder advised that police investigation of the case is not complete, but that a report will be made in the near future.

The City Manager introduced a group of Lee Edwards High School students who had spent the day with city officials in observance of Youth in City Government project held in cooperation with Optimist International's Youth Appreciation Week.

The members of the one-day city youth government discussed various city problems, including the proposed one and off-street parking, and at the conclusion Stanley Cocke, acting as Mayor, thanked the city officials for allowing them this opportunity to become acquainted with the operation of the city government.

Appreciation was also expressed by Mr. Haden on behalf of the Optimist Club, and Mayor Eller and Mr. Weir thanked the Optimist Club for making this observance possible.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 20, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 20, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, C. M. Preslar, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that no action be taken on the request that the five lots on the eastern side of Biltmore Avenue between Forest Hill Drive and Newton School (opposite Memorial Mission Hospital) be rezoned from Neighborhood Trading Area to Residential District.

November 18, 1958

Honorable Mayor,
Members of City Council
City of Asheville
City Building
Asheville, N. C.

Gentlemen:

At a special meeting of the City of Asheville Planning and Zoning Commission held at 4:00 P. M. today, it was moved, seconded and unanimously passed that:

The Commission recommend to the City Council that no action be taken on the request that the five lots on the eastern side of Biltmore Avenue between Forest Hill Drive and Newton School (opposite Memorial Mission Hospital) be rezoned from Neighborhood Trading Area to Residential District.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond, Secretary
Planning and Zoning Commission

lb

A communication was received from R. Stanford Webb, resigning from the City of Asheville Planning and Zoning Commission and the Metropolitan Planning Commission.

November 19, 1958

Mr. Weldon Weir, City Manager
City of Asheville
Asheville, N. C.

Dear Mr. Weir:

It is with regret that I tender herewith my resignation from the City of Asheville Planning and Zoning Commission and the Metropolitan Planning Commission.

I have enjoyed the work and regret that I cannot continue.

With warmest personal regards, I am

Sincerely yours,

rsw:w S/ R. Stanford Webb

The Council accepted this resignation with regret, and the City Clerk was instructed to write Mr. Webb a letter of appreciation for his services on these Commissions.

A claim for damages on behalf of Paul B. Sams in the amount of $1,000 was filed by John H. Giezentanner, his attorney, which claim was referred to the Corporation Counsel for investigation.

November 14, 1958

Honorable Mayor and City Council
City of Asheville
Asheville
North Carolina

Attention Mr. Robert W. Wells

Gentlemen:

This is to advise that I represent Mr. Paul B. Sams of 50 Annandale Avenue, City of Asheville, who was injured Sunday night, September 21, 1958, at approximately 10:30 p. m. as a result of a fall at the corner of Robindale and Annandale Avenues.

The facts surrounding said incident are as follows: On Saturday night, September 20, 1958, this city sustained a heavy rainfall which resulted in the flooding and clogging of a storm sewer in front of Mr. Sam's residence at 50 Annandale Avenue. As a result of this sewer clogging up, muddy silt and water overflowed the entire area of Mr. Sams' front yard, the street and the sidewalks on both Annandale and Robindale Avenues. On Sunday morning, September 21, workmen from the City of Asheville came and unstopped the sewer but made no effort to flush the accumulated mud and silt from the sidewalk and street. At approximately 10:30 p. m. Sunday night, September 21, 1958, Mr. Sams stepped from his yard on to the sidewalk, whereupon his feet slipped out from under him as a result of the muddy silt, causing him to be thrown to the street and sidewalk and resulting in fractured ribs and other injuries to his person.

In addition to ehd doctor and hospital bills, Mr. Sams will have lost one month's pay because of his confinement. In his behalf, I am herewith submitting his claim against the City of Asheville in the sum of $1,000.00.

Very truly yours,

S/ John H. Giezentanner
JOHN H. GIEZENTANNER

JHG/ec

Councilman McRary introduced a resolution effecting property exchange with Buncombe County Board of Education for re-location of portion of Craven Street, which was, upon motion of Councilman McRary, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 472.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

D E E D

THIS INDENTURE made and entered into this 12th day of November, 1958, by and between CITY OF ASHEVILLE, a Municipal Corporation, hereinafter referred to as "grantor", and BUNCOMBE COUNTY BOARD OF EDUCATION its successors and assigns, hereinafter referred to as "Grantee";

W I T N E S S E T H:

THAT WHEREAS the grantee has this date executed a Deed of Easement of right of way for high[way] purposes over the property of the grantee located on the West side of the French Broad River North of Smi[th] said property being the grantee's school bus garage property and being the property where Craven Stree[t] located;

AND WHEREAS the prior location of Craven Street to the West of the property of the grantee [is] closed and abandoned and is no longer needed for public purposes, said street having been relocated.

NOW, THEREFORE, said grantor, for and in consideration of said conveyance by the grantee to the grantor of the right of way for the new location of Craven Street and other good and valuable consideration, the receipt of which is hereby acknowledged, have remised and released and by these presents do remise and release and forever quitclaim unto said grantee, its successors and assigns, all right, title, claim, and interest of the grantor in and to a certain tract or parcel of land lying and being in the County of Buncombe, State of North Carolina, and being more particularly described as follows:

FIRST TRACT: BEGINNING at an iron pin, said pin being located North 11 deg. 14' West 136 feet from the Southwest corner of the school bus tract of the Buncombe County Board of Education conveyed by W. S. Harrison to the Board of Education and runs thence South 78 deg. 46' West 40 feet to an iron pin; thence North 11 deg. 14' West 125 feet to an iron pin; thence North 4 deg. 49' East 144.5 feet to an iron pin; thence South 11 deg. 14' East 204 feet to the BEGINNING.

SECOND TRACT: BEGINNING at an iron pin being the Northwest corner of said Board of Education tract hereinbefore referred to and runs thence North 84 deg. 55' East 46 feet to an iron pin; thence North 14 deg. 23' West 81.5 feet to an iron pin; thence North 11 deg 44' West 102.4 feet to an iron pin; thence North 8 deg. 02' West 100 feet to an iron pin; thence North 5 deg. 23' West 100 feet to an iron pin; thence South 86 deg. 08' West 18.5 feet to an iron pin; thence South 2 deg. 02' East 335.7 feet to an iron pin; thence South 8 deg. 25' East 194.8 feet to an iron pin; thence North 1 deg. 25' West 147.4 feet to the BEGINNING.

Being respectively tracts 2 and 1 as shown on a Plat of the relocation of Craven Street made by H. Aiken.

TO HAVE AND TO HOLD the aforesaid tracts of land and all privileges there unto appertaining to said grantee, its successors and assigns, free and discharged from all right, title, claim, or interest of said grantor or anyone claiming by or through anyone of them.

George B. Coggins and wife, Margo B. Coggins, and Westgate Corporation hereby joins in the execution of this instrument for the purpose of releasing to the grantor all of the above described property which is included in a Lease from the City of Asheville to the Westgate Corporation, and George B. Coggins.

IN TESTIMONY WHEREOF, the grantor and Westgate Corporation have hereunto set their hands and affixed their corporate seals this the day and year first above written; and in testimony whereof George B. Coggins and wife, Margo B. Coggins, have hereunto set their hands and seals this the day and year first above written.

ATTEST:

S/ Margaret Simmons
CITY CLERK

(Seal)

CITY OF ASHEVILLE

BY S/ E. W. Eller
MAYOR

ATTEST:

WESTGATE CORPORATION

BY _____

_____ (SEAL)

_____ (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This 20 day of November, 1958, personally came before me E. W. ELLER, who by me duly sworn, says that he is the Mayor of the City of Asheville, a municipal corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said City of Asheville and that said writing was signed and sealed by him in behalf of said City of Asheville by its authority duly given. And the said E. W. Eller acknowledged the said writing to be the act and deed of said City of Asheville.

WITNESS my hand and Notarial Seal, this 20 day of November, 1958.

My commission expires:
Dec. 16, 1958
(Seal)

S/ Lillian Ducker
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said State and County, certify that _____ personally came before me this day and acknowledged that he is _____ Secretary of WESTGATE CORPORATION, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ___ President, sealed with its corporate seal, and attested by ___self as its ___Secretary.

WITNESS my hand and Notarial Seal, this _____ day of November, 1958.

My comission expires:

_____
Notary Public

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

I, _____, a Notary Public of said State and County, do hereby certify that GEORGE B. COGGINS and wife, MARGO B. COGGINS, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal, this _____ day of _____, 1958.

My comission expires:

_____
Notary Public

[PLANNING AND ZONING COMMISSION -
APPOINTMENT OF MEMBER (Hugh M.
Baker)]

Councilman Mulvaney introduced a resolution electing member of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 473.

Councilman Morgan introduced a resolution authorizing the calling of certain City of Asheville bonds and authorizing the Sinking Fund Commission for Buncombe County to publish notice in The Bond Buyer of New York, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 474.

Councilman McRary discussed claims which have been filed against the City, and stated he did not recall that reports were made to the Council on the final disposition of such cases. The Corporation Counsel advised that a record of the disposition of all claims is kept and that a report will be submitted to the Council.

The City Manager presented the audit report for the City of Asheville Board of Alcoholic Control for the period ending September 30, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, November 27, 1958 - 4:00 o'clock

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY

Thursday, December 4, 1958 - 4:00 o'clock P.

The City Council met in regular session Thursday, December 4, 1958, at 4:00 o'clock P. M. with E. W. Eller presiding. Present: Councilmen T. B. Sumner, C. E. Morgan, C. M. Preslar, W. F. Algary, J. W. McRary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A communication was received from W. F. Babcock, Director of Highways of the State Highway Commission, stating that State Highway Commission planning on onterstate and primary highway construction for the two or three years is now nearly complete, and suggesting an early conference with Asheville city officials on local highway and traffic problems.

The Council received notice from the State Utilities Commission that a hearing will be held on 21 at 10 a. m. in Raleigh on the application of the Southern Railway for permission to discontinue sleeping service between Raleigh and Asheville.

Following a discussion, Councilman Sumner moved that the Corporation Counsel be instructed to at the meeting and protest cancellation of this service, which motion was seconded by Councilman Preslar adopted.

Councilman Sumner called attention to last week's tragic parochial school fire in Chicago, and mended that the fire inspector be requested to report to the Council every thirty days.

City Manager Weldon Weir explained that state law requires inspection by a designated counter, and that by agreement Asheville city schools are inspected by the Buncombe County electrical inspector meet state requirements, and in addition city schools are inspected regularly by City Fire Department I The City Manager further advised that under the statutes the principal of each school is the official ha marily responsible for fire safety. Mr. Weir further advised that all reports of Fire Department inspe school safety conditions will be made available to the Council as they are made.

PURCHASE - MOTOR EQUIPMENT CONTRACT

Councilman McRary discussed the matter of equipment and supply purchases by municipalities state contract. The Corporation Counsel advised that automobiles can now be bought by cities under sta tract but that there is considerable resistance in many localities to extending the system to other ite Mr. Hyatt advised that prices paid by the city for motor equipment under competitive bidding compares with prices paid under state contract.

SEWAGE DISPOSAL - DISCUSSION

Councilman McRary stated he thought serious study should be given to methods for accumula funds to pay for a sewage disposal plant. The City Manager advised that this procedure would require ment between the city and the county water and sewer districts.

BASEBALL - REPORT BY ASHEVILLE BOYS BASEBALL COMMISSION

The City Manager presented a report of the Asheville Boys Baseball Commission, which is jointly sponsored by the American Business Club, the Park and Recreation Department and a group of volunteer coaches.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 11, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 11, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, C. M. Preslar, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

Ward and Bennett, attorneys, filed a claim on behalf of Mr. and Mrs. Harley F. Church for property damages in the amount of $1,339.77, which was referred to the Corporation Counsel for investigation.

December 5, 1958

TO THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, N. C.:

This is to advise you that on the 21st day of September, 1958, our home and certain property listed below were damaged by reason of the overflow and bursting of a city storm sewer which was located beneath our home at 21 Chatham Road, Asheville, North Carolina.

On that date by reason of the negligence of the City of Asheville in improperly maintaining and constructing said storm sewer, and its failure to keep the same free and clear of debris, water overflowed into our home and caused the following damage:

Replace blower and motor on furnace		169.58
Repairs, labor and parts on washing machine		48.37
Repairs to work underneath house, jacking up house and replacing 4 peers, digging out water soak dirt around chimney and reinforcing chimney footing with concrete, digging out foundation, jacking up and releveling and building six inch masonery wall four feet high to match present brick wall, digging out water soaked dirt around footing in front of House, jacking up and releveling, build six inch masonery wall eight foot high as present wall		815.00
Cost of truck load of dirt to fill in large wash outs		7.00
Cleaning up basement		20.00
Cost of 13 tons of 3/8" stone to cover basement area as was		38.82
Cost of distributing dirt and stone in basement		10.00
Personal property stored in basement damaged:		
1 lawn umbrella	35.00	
1 student's desk	40.00	
1 child's platform rocker	20.00	
1 child's play pen	15.00	
1 child's rocking horse	18.00	
1 child's stuffed toys and dolls, etc.	25.00	
2 dinette chairs	10.00	
2 end tables	8.00	
1 library table	10.00	
clothing & blankets damaged by mud and water, mildewed	50.00	231.00
		$1,339.77

By reason of said negligence the undersigned have sustained damages in the amount of ONE THOUSAND THREE HUNDRED THIRTY -NINE AND 77/100 ($1,3339.77) DOLLARS and hereby file claim therefor with the City of Asheville requesting that the same be audited, approved and paid.

This is to give the City Council of the City of Asheville notice of our claim pursuant to Section 149 and 150 of the City Ordinances of the City of Asheville, 1945 Edition.

This the 5th day of December, 1958.

MR. AND MRS. HARLEY F. CHURCH

By S/ Ward & Bennett
Attorneys

NORTH CAROLINA
BUNCOMBE COUNTY

HARLEY F. CHURCH, being by me first duly sworn, deposes and says:

That he has read the foregoing Claim and knows the contents thereof; that same is true of his own knowledge, except as to matters and things therein stated upon information and belief and as to those matters and things he believes it to be true.

S/ Harley F. Church

Sworn to and subscribed before me
this the 5th day of December, 1958.

S/ Merle W. Troitino
Notary Public
My commission expires: March 2, 1959.
(Seal)

The City Manager advised of a conference between local traffic officers and the representatives of the National Safety Council, and presented a report made by said Council on the City of Asheville.

PARKING PROBLEM - DISCUSSION

The Council discussed the parking problems in the City of Asheville, and particularly as related to the downtown business area.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, December 18, 1958 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 18, 1958, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, C. M. Preslar, J. W. McRary, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel R. W. Wells.

The minutes of the previous meeting were read and approved.

A communication was received from Robert W. Wells submitting his resignation as Corporation Counsel of the City of Asheville, effective January 3, 1959.

The Council accepted Mr. Wells' resignation with regrets, and extended him sincere thanks for valuable services rendered the City of Asheville and best wishes for his future endeavors.

The City Manager advised the Council that he had interviewed Mr. O. E. Starnes, Jr., and Mr. [illegible] had agreed to accept the appointment as Corporation Counsel at a retainer of $250.00 per month covering [illegible] of non-court legal matters for the city and consultation with city officials on legal problems connected with administration, and in case the city is involved in court cases Mr. Starnes will receive additional compensation he handles the case, or the city will employ an attorney who specializes in the type of case being tried.

Whereupon, Councilman Preslar moved that Mr. O. E. Starnes, Jr. be appointed Corporation Counsel the City of Asheville, which motion was seconded by Councilman McRary and unanimously adopted.

Mr. Starnes expressed his appreciation for the appointment.

The City Manager presented the audit of the City of Asheville for the period ending September 30, 1958.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, December 25, 1958 - 4:00 o'clock

Because of the lack of a quorum, no meeting of the City Council was held on Thursday, December 25, 1958.

MAYOR

CITY

Thursday, January 1, 1959 - 4:00 o'clock

Because of the lack of a quorum, no meeting of the City Council was held on Thursday, January 1, 1959.

MAYOR

CITY

Thursday, January 8, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 8, 1959, at 4:00 o'clock P. M. with Mayor F. M. Mulvaney presiding. Present: Councilmen C. E. Morgan, J. W. McRary, W. F. Algary, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

MAYOR ELLER - REGRET AT ILLNESS

The Council directed the City Clerk to write Mayor Eller on behalf of the Council expressing regret at his illness, and with best wishes for a speedy recovery.

CITY PROPERTY - SALE

Councilman Morgan introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 475.

MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT OF MEMBERS (Eugene P. Coston, Mrs. Elizabeth R. Weaver, and Harry R. Logan)

Councilman Algary introduced a resolution appointing a Municipal Board of Elections for a period of two years, which was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 476.

BUDGET

The City Manager presented a statement showing the budget position of the city for the period ending December 31, 1958.

Councilman Algary suggested that money received from sale of city property be invested in real estate looking toward future needs of city.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

CITY CLERK

Thursday, January 15, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 15, 1959, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

CLAIM - MARTIN L. LANCE

Julius S. Harrill, Jr., attorney for Martin L. Lance, presented a claim for property damages on behalf of Mr. Lance in the amount of $100.00, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA :
COUNTY OF BUNCOMBE :

NOTICE OF CLAIM

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE:

You will please take notice that the undersigned, MARTIN L. LANCE, Sr., of Spartanburg County, State of South Carolina, by and through Julius S. Harrill, Jr., his Attorney, pursuant to Sections 149 and 150 of the City Charter of the City of Asheville, and Sections 243 and 244, Chapter 16, Private Laws 1923, hereby claims and demands damages of the City of Asheville as the result of damages sustained to his 1952 Dodge truck, South Carolina 1958 License No. L-4123, on the 10th.day of October, 1958, on a public street in said City as follows:

The undersigned claimant is a United States Mail Carrier between Spartanburg, S. C. and Asheville, N. C. and operates a 1952 Dodge truck with a covered body 12 feet high. On the 10th. day of October at about 7:55 PM. the undersigned was on his way to the Asheville Post Office in performance of his duty and was operating his vehicle in a lawful manner traveling east on Haywood Street when the top of his truck struck low hanging branches from two trees growing between the sidewalk and curbing in front of the home at 258 Haywood Street. Both of the above described trees were growing in a streetward direction extending over the curb into the street at a height of about 10 to 12 feet and both trees had low overhanging branches. The undersigned on the night of the accident reported same to the Desk Sergeant at the Asheville Police Station as required by law. The undersigned also noted that on the following day one of the trees which was struck was cut down and removed by the City. As a result of the above described accident the top of the truck body was damaged to such an extent that the roof does not provide adequate protection to the cargo in the truck.

The dangerous position of the above described trees which was the cause of the above described accident resulted from the negligence of the City of Asheville; and, that as a consequence of the negligence of the City in permitting said trees to remain extended over the curb into the street and the failure of the City to keep trimmed the low over hanging branches on said trees, which is in direct violation of Sections 521 and 525, Article 9, Chapter III, of the Ordinances of the City of Asheville, said City has damaged the undersigned claimant in the amount of $157.62, which is the total amount of the lowest of the two estimates herewith attached. The claimant's one hundred dollars deductable insurance coverage has paid $57.62 of the above amount. The claimant therefore claims ($100.00) one hundred dollars from the City of Asheville.

The undersigned claimant respectfully presents his claim for said amount, through his counsel, and respectfully requests payment of same.

S/ Julius S. Harrill, Jr.
JULIUS S. HARRILL, JR.
Attorney for Claimant

STATE OF NORTH CAROLINA:
COUNTY OF BUNCOMBE :

MARTIN L. LANCE, SR. being duly sworn says: That he is the claimant in the above Notice of Claim; that he has read, or heard read the foregoing claims and knows the contents thereof; that same is true of his own knowledge, except as to the matters and things therein stated upon information and belief, and as to those matters he verily believes to be true.

S/ Martin L. Lance, Sr.

Sworn and subscribed before me this the 8th day of January, 1959.

My commission Expires:
November 17, 1960
(Seal)

S/ Quinton L. Thomas
Notary Public

Mr. Don C. Young, attorney for Lloyd F. Locke, presented a claim for damages for personal injuries on behalf of Lloyd F. Locke in the amount of $10,000.00, which was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Asheville, N. C.
January 15, 1959.

TO THE HONORABLE MAYOR, CITY MANAGER and COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned, Mr. Lloyd F. Locke, residing in Buncombe County, North Carolina, by and through his attorney, Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by him at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant was injured on the 20th day of October, 1958.

2. Place. Claimant was injured on Riverside Drive at or near B & F Auto Wrecking Company, a [illegible] of the City of Asheville.

3. Manner of injury infliction: Claimant was driving his automobile over and along Riverside [illegible] at or near the B & F Wrecking Company, when suddenly and without any signal the motor vehicle of the defendant City of Asheville, operated by its employee, Ernest C. McAbee, ran into and against the back of claimant's automobile, injuring and damaging said automobile in the sum of $534.79, and necessitating the obtaining by the claimant of another automobile from the "U-Drive-It" Company until his car could be fixed, costing him $128.51, and inflicted permanent and serious injuries on the claimant by injuring his back, shoulders and neck, in the sum of $10,000.00.

4. Amount of Damages Claimed: That as a result of the matters and things herein stated the claimant has been damaged in at least the sum of $10,663.30, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted, this the day and year first above written.

LLOYD F. LOCKE

BY Don C. Young S/ Don C. Young
Attorney.

The City Manager reported the closing of the transaction with the East Biltmore Water Company for the purchase of all its assets, and advised that the City is now furnishing water service to these customers.

The City Manager presented the Annual Report of the Police Department for the period ending December 31, 1958.

NAT'L GUARD - [illegible]

The City Manager advised that following a conference with the Chairman of the Board of County Commissioners and other county officials and members of the National Guard Unit a communication signed by the City Manager and said Chairman of the County Commissioners had been directed to the Governor requesting that the reorganization of the National Guard serious consideration be given to locating in Asheville to serve this a unit known as the Transportation Battalion of Infantry Division, and pointing out that in 1956 with the approval of the State Adjutant General's office the city and county jointly purchased a 12 acre site with [illegible] foot frontage along U. S. 74 in Swannanoa Township as an ideal site for an expanded armory building.

There being no further business, the meeting was upon motion adjourned.

F. M. Mulvaney
VICE-MAYOR

[illegible]

Thursday, January 22, 1959 - 4:00 o'clock P. [illegible]

The City Council met in regular session on Thursday, January 22, 1959, at 4:00 o'clock P. [illegible] Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen J. W. McRary, T. B. Sumner, C. M. Preslar, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

NATIONAL GUARD

The City Manager reported that the letter regarding the National Guard Transportation Battalion has been acknowledged, and that the Captain of the local National Guard is in Raleigh for a discussion of the matter.

DOGS - DISCUSSION

Councilman Sumner discussed the problem of dogs running at loose in the city, and suggested that officials in St. Petersburg, Fla. be contacted to learn how they controlled the nuisance.

[illegible] - CENTENNIAL LIBRARY - [illegible] ANNIVERSARY

Mr. John Bridges, Exhibitions Director of Pack Memorial Library, extended the Council an invitation to attend an open house on Sunday afternoon celebrating the 80th Anniversary of the founding of Asheville city libraries and sponsored by Friends of the Library, the Library Board and staff.

LIBRARY - MARKET STREET BRANCH - NEW LOCATION

The City Manager advised that the Market Street Branch Library, serving negro residents of the community, will be moved from its present location at 39 S. Market Street around the corner to 31 Eagle Street, which move has been recommended by the Library Board in order to eliminate use conflicts between the YMCA gymnasium and the library, now located directly under the gym.

There being no further business, the meeting was upon motion adjourned.

F. M. Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, January 29, 1959 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 29, 1959, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. M. Preslar, T. B. Sumner, J. W. McRary, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

CLAIM - MRS. MATTIE BAILEY

Mr. Wade Hall, attorney for Mrs. Mattie Bailey, presented a claim for damages for personal injuries in the amount of $5,000.00, which was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

N O T I C E

TO THE COUNCIL OF THE CITY OF ASHEVILLE:

You are hereby given notice by the undersigned that on the 14th day of November, 1958, at or about 10:00 a. m., the undersigned was walking on the south side of Woodfin Street at or about the corner of Spruce Street in front of a place called Hester's Garage and on the sidewalk provided by the City of Asheville and while walking thereon the undersigned stumbled and fell on the broken sidewalk which said fall resulted in serious bodily injuries to the undersigned.

The undersigned hereby makes claim against the City of Asheville for the injury she received as a result of the negligence of the City of Asheville in causing the undersigned to fall and she now makes claim against the City of Asheville for the sum of $5000.00 for personal injuries received as above described.

This the 18th day of December, 1958.

S/ Mrs. Mattie Bailey

There being no further business, the meeting was upon motion adjourned.

F. M. Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 5, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 5, 1959, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen T. B. Sumner, W. F. Algary, J. W. McRary, C. M. Preslar, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

CITY EXTENSION - REPORT OF CIVIC PLANNING COMMITTEE, CHAMBER OF COMMERCE

A communication was received from J. Alfred Miller, Chairman of the Civic Planning Committee of the Asheville Chamber of Commerce, thanking the city administration for thorough report on city extension which had been requested by the committee, and advising that a sub-committee had been appointed for the purpose of taking necessary steps to see that legislation is prepared and the Buncombe County delegates contacted with the request that city limits extension as outlined in the report be introduced before the current session of the North Carolina General Assembly, and further advising it was the opinion of the Committee that all present school district boundaries be left unchanged pending a possible later vote on school redistricting following successful city extension action.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Eastern side of Logan Avenue)

A communication was received by the Council regarding the rezoning of certain lots on Logan Avenue.

Mayor and City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

At the regular meeting of the City of Asheville Planning and Zoning Commission held on February 4, 1959 the following action was taken on the attached petition:

The Commission recommends to the City Council that all lots, with the exception of those now devoted to commercial use, shown on Sheet 1, Ward 6 of the City and County tax maps lying between Haywood Road and Logan Avenue and the street designated as Lyman Circle, bounded on the northwest by an alley and on the southeast by Craven Street, be rezoned from Commercial to RA-5 Residential. It is also recommended that personal notice of the public hearing on the matter before the City Council be given to the owners of those lots not represented by the petition, being Lots 12½, 12, 13, 14, 15, 15½, 15½, 16, 17 and 18.

Yours very truly,

S/ Anthony Redmond

Anthony Redmond
Secretary

This recommendation was accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with the recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held on February 2[illegible], 1959.

[illegible] CITIZENS
[illegible] ark

Councilman Morgan introduced a resolution authorizing Vice-Mayor to execute lease with Citizens Express, Inc. for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 477.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS LEASE, made and entered into this 5th day of February, 1959, by and between CITIZENS EXPRESS, INC., hereinafter referred to as Lessor, and CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina, hereinafter referred to as Lessee;

W I T N E S S E T H:

That the Lessor, for and in consideration of the rents, covenants and conditions hereinafter mentioned to be kept and performed by the Lessee, does hereby rent, demise and lease unto the said Lessee, the following described premises located in the City of Asheville, Buncombe County, North Carolina, to-wit:

Being Tax Lots 12 and 105 as shown on Ward 3, Sheet 14 of the Tax Maps of the City of Asheville and Buncombe County, and being also described in deed recorded in Deed Book 108, page 517 in the office of the Register of Deeds for Buncombe County, N. C., reference to which deed is hereby made for greater certainty of description.

1.

TO HAVE AND TO HOLD the above described premises unto said Lessee for a term of twenty-five (25) years, beginning March 1, 1959 and extending until the 30th day of April, 1984, unless terminated at an earlier date as hereinafter provided.

2.

The Lessee agrees to pay as rental for the leased premises forty-five (45%) per cent of all gross receipts which the Lessee may receive from the said real estate or from any operation conducted thereon. Payment to be made of such rental by the Lessee to the Lessor on or before the 10th day of each month for forty-five (45%) per cent of gross receipts taken in by the Lessee during the preceding calendar month.

3.

It is understood and agreed between the parties hereto that the Lessee shall operate on the premises hereby leased a public parking lot and shall conduct thereon operations auxiliary to the operation of said public parking lot and that said premises shall be used by the Lessee for no other purpose whatsoever; and that in the event said premises shall cease to be used as a public parking lot this lease shall automatically [illegible]

4.

The Lessee covenants and agrees as follows:

(a) That it will, at its own expense, raze and demolish, or cause to be razed and demolished, houses, buildings and structures which may be on said premises, and will pay over to the Lessor any profit from the salvaged materials which are in excess of the expenses for so razing and demolishing said houses, buildings or structures.

(b) That it will, at its own expense, level the property above described so that the maximum of the property may be utilized for the purpose set forth in the preceding paragraph and make all necessary improvements thereon.

(c) That it will apply stone surface to the property hereby leased.

(d) That it will keep all improvements erected or placed on the premises in reasonable repair, that said improvements shall become the property of the Lessor at the termination of this lease.

(e) That it will supervise and operate the property as a public parking lot in a proper business-like manner, keeping proper records of all receipts from said operation and that it will charge the prevailing prices for parking in lots substantially located as the premises above described.

(f) That the Lessor shall have the right to inspect any records of the Lessee relating to the operation of said parking lot, or any receipts therefrom, and shall have the right to make any other audit or check of said receipts which may be necessary and proper.

(g) That it will pay all utilities and expenses in connection with the use and operation of said parking lot during the term of this lease.

(h) That upon the completion of all the improvements and prior to beginning the operation of the parking lot above described, the Lessee shall furnish to the Lessor a statement showing the cost to the Lessee of the improvements made to or placed upon the premises.

5.

It is further contracted and agreed between the parties hereto that at any time the said Lessor, its successors and assigns, shall have the additional right, in its discretion, in the event it can show a bona fide arrangement to build a substantial structure on the premises, or to sell all or any portion of said premises, or if it shall be determined by the Lessor that the use of said lot is necessary for its own parking use, to terminate this lease upon paying to the Lessee that proportionate part of any money spent by the Lessee in improving the said premises which the unexpired portion of the lease bears to the total term of the lease; and as an illustration of the meaning of this paragraph, if the Lessor, its successors and assigns, at the expiration of five years from the date of this lease shall desire to terminate said lease, it shall have the right to do so upon the payment to the Lessee of eighty (80%) per cent of the sum expended by the Lessee in the improvement of said premises.

6.

It is further agreed between the parties hereto that the Lessee may not assign this lease or any portion thereof, or sub-let the premises hereby leased without written consent of the Lessor, its successors and assigns, except to grant concessions for the conduct of operating which may be auxiliary to the use of the premises for a public parking lot.

7.

It is further agreed between the parties that if the Lessee at any time fails to pay the rental above provided for within thirty days after the same shall become due, or shall fail to keep and perform any of the covenants or agreements which are hereinbefore mentioned to be kept or performed by the said Lessee, then and in either of the events hereinbefore specified the said Lessor, its successors and assigns, may at its option declare this lease cancelled and terminated, after giving to the Lessee ten days written notice of its intention so to do. Thereupon the said Lessors, its successors and assigns, may take possession of the premises without any legal process and the Lessee agrees to surrender the premises to the Lessor, its successors and assigns, immediately.

8.

The Lessor hereby covenants and agrees with the Lessee that, subject to the terms and conditions hereinabove set forth, the Lessee shall have and enjoy the premises during the term herein provided for, free from the adverse claims of any and all persons whomsoever.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its duly authorized officers and its seal to be hereunto affixed; and the said Lessee has caused this instrument to be executed in its name by its Vice-Mayor and attested to by its Clerk, and its corporate seal attached, all under and by virtue of the authority duly granted by resolution adopted by the Council of the City of Asheville, this lease and the resolution authorizing same having been duly submitted to and approved as to form by its corporate counsel, and all matters and things necessary and proper for the said City of Asheville to execute this contract having been duly and properly done; this the day and year first above written.

ATTEST:

S/ B. B. Humphries
Secretary

CITIZENS EXPRESS, INC.

By S/ Robert Bunnelle
V-President

ATTEST:

S/ Margaret Simmons
City Clerk
(Seal)

CITY OF ASHEVILLE

BY F. M. Mulvaney
Vice-Mayor

State of North Carolina,
County of Buncombe.

I, a Notary Public of said State and County, certify that B. B. Humphries personally came before me this day and acknowledged that he is Secretary of CITIZENS EXPRESS, INC., a corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal, and attested by himself as its Secretary.

WITNESS my hand and Notarial Seal, this the 3rd day of February, 1959.

My commission expires:
March 19, 1959
(Seal)

S/ Alice A. Carter
Notary Public

State of North Carolina,
County of Buncombe.

This the 5 day of February, 1959, personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, F. M. Mulvaney, who, being by me duly sworn, says that he is Vice-Mayor of the City of Asheville, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in the name of said corporation by himself as Vice-Mayor, sealed with its corporate seal and attested by its City Clerk.

WITNESS my hand and Notarial Seal this the day and year first above written.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public

The City Manager advised that an ordinance amending the electrical ordinance has been prepared increasing rates for inspection fees, which change has been approved by a number of major electrical firms. This matter was tabled for later action.

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1959.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

CITY

Thursday, February 12, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 12, 1959, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. M. Preslar, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A claim for damages for personal injuries in the amount of $3,000.00 was presented by Harold T. Epps, attorney for Anita Christopher. Upon motion of Councilman McRary, seconded by Councilman Morgan, this claim was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

N O T I C E

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Anita Christopher, of 19 Short Street of Asheville, Buncombe County, North Carolina, by and through Harold T. Epps, her attorney, pursuant to section 150 of the city charter of the City of Asheville, hereby claims and demands damages of City of Asheville as the result of personal injuries sustained by her on the 26th day of January, 1959, on a public street in said City, as follows: That on or about the time in question, the claimant was walking East on Short Street, at the intersection of Short Street with Cumberland Place, when her foot caught in a crevice of Short Street where the sidewalk has become defected, unsafe and dangerous to walk upon; That as a result thereof, the undersigned claimant received the following injuries:

A fracture of the left foot and left ankle.

The dangerous condition which was the cause of the above described accident resulted from the negligence of the City of Asheville in that it failed to keep a look out through one of its agents or agencies as to the condition of the sidewalks provided for the use and convenience of its citizens and taxpayers at the place where this incident occurred; that the city of Asheville failed to maintain and repair the sidewalk at the intersection referred to above, so as to keep the sidewalk safe for the use of the Pedestrians traveling thereon; that as a consequence of the negligence of the City of Asheville, as set out above, said City has greatly damaged the undersigned claimant, temporarily destroyed her earning power, caused her to incur expense for medical attention, great inconvenience, pain, and suffering, in the sum of $3,000.00.

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her counsel, and respectfully requests payment of same.

S/ Harold Thomas Epps
Attorney for Anita Christopher

- USE

A communication was received from Community Baseball, Inc., requesting the City to make McCormick Field available to the club and by putting the playing field and stands in first class shape to play Class "A" baseball.

The City Manager advised the Council that reconditioning the field will not be a great financial burden on the city, and that the city will use the field part of the time for organized boys' baseball in the city recreation program, and that the termination of a lease with the stock car racing promoters will have to be negotiated. He suggested that the Council authorize him to proceed.

Following a discussion, Councilman Preslar moved that the City Manager be authorized to contract in every way that is reasonable with Community Baseball to put the field in a usable condition and make it available, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman McRary suggested that in event this venture made a profit that sufficient rent be paid to take care of the maintenance of McCormick Field.

ORDINANCE NO. 410 - AN ORDINANCE AMENDING ORDINANCE NO. 390, BEING "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES, REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY

Councilman Sumner introduced Ordinance #410, being "AN ORDINANCE AMENDING ORDINANCE NO. 390, BEING 'AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES; REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE', BY PROVIDING A NEW FEE SCHEDULE." In connection with the provisions of this Ordinance

Mr. T. M. Burrill, representing Local 238 of the Electrical Workers Union, advised the Council that the union has endorsed the new fee schedule, and that all electrical contractors he has contacted also favored it.

Mr. C. H. Gudger, City Electrical Inspector, advised the Council that he had contacted all electrical contractors except one, and that there was no objection to the new fee schedule.

Whereupon, said Ordinance was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

- BOND ISSUE -

The Council members discussed the merits of bond issue financing for school building versus pay-as-you-go from current tax revenue, and expressed general but informal preference for pay-as-you-go on grounds of great savings in interest charges.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, February 19, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 19, 1959, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ORDINANCE NO. - AN ORDINANCE AMENDING ORDINANCE NO. 390, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES; REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE', BY PROVIDING A NEW FEE SCHEDULE

Ordinance No. 410, being "AN ORDINANCE AMENDING ORDINANCE NO. 390, being 'AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES; REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE', BY PROVIDING A NEW FEE SCHEDULE", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" Councilman Sumner voted "aye"
Councilman Preslar voted "aye" Vice-Mayor Mulvaney voted "aye"

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending December 31, 1959.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR CITY CLERK

Thursday, February 26, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

VICE-MAYOR CITY CLERK

Thursday, March 5, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 5, 1959, at 4:00 P. M. with Vice-Mayor Mulvaney presiding. Present Councilmen T. B. Sumner, W. F. Algary, J. W. McRary, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Mayor announced that this is the date set for the public hearing on the request to rezone certain property on Logan Avenue.

A communication was received from Mr. Roger V. Morrow requesting that all lots listed on the city tax maps of Sheet 1, Ward 6, as being his property, being Lots 15½, 15¾, 16 and 16½, remain classified as commercial.

Following a discussion, Councilman Sumner moved that this request be referred back to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 410, being "AN ORDINANCE AMENDING ORDINANCE NO. 390, being 'AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES; REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE', BY PROVIDING A NEW FEE SCHEDULE", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" Councilman Sumner voted "aye"
Councilman Algary voted "aye" Vice-Mayor Mulvaney voted "aye"
Councilman Preslar voted "aye"

ORDINANCE NO. 410

AN ORDINANCE AMENDING ORDINANCE NO. 390, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES; REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE', BY PROVIDING A NEW FEE SCHEDULE"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 44, entitled "Fee Schedule" of Ordinance No. 390, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES, REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR; PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR; CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS; PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE", be and is hereby repealed, and the following section be and is hereby enacted in lieu thereof:

"Sec. 44. Fee Schedule

The minimum fee for any electrical inspection shall be $2.00

A.

1 to 10 Outlets, Minimum	$1.00
11 to 100 Outlets, Per Outlet	.10
All over 100 Outlets, Per Outlet	.05

B. Fixture Sockets and Fluorescent Tubes

1 to 10, minimum	$1.00
All over 10, Per Socket or Tube	.15

C. Service Including Meter Housing As Determined by Size Conductor

Temporary or Construction Service	$2.00
New Service, Up to 100 Ampere	2.00
101 to 200 Ampere	4.00
201 to 400 Ampere	6.00
401 to 600 Ampere	8.00
601 to 800 Ampere	10.00
801 to 1200 Ampere	12.00
Each additional Meter Outlet	1.00

D. Motors

Up to 1 H. P., Minimum	$1.00
1½ H. P. to 5 H. P.	2.00
5½ H. P. to 10 H. P.	3.00
11 H. P. to 20 H. P.	4.00
21 H. P. to 40 H. P.	5.00
41 H. P. to 100 H. P.	7.00
For each additional 25 H. P. or Fraction Thereof	3.00

Installations Consisting of Several Motors Minimum Fee for Largest Motor Plus Total H. P. of Balance of Motors

E. MISCELLANEOUS

Electric Signs, 1 Circuit	$2.00
Each Additional Circuit	1.00
Flood Lights, each	1.00
Ranges, Ovens, Cooking Tops, Each	1.00
Water Heaters, Each	1.50
Range Service and Combination	1.50
Water Heater Service and Combination	1.50
Combined Range, Water Heater and Service	3.00
Furnace Connection up to 1 H. P.	2.00
Commercial Refrigerators up to 1 H. P.	2.00
All over 1 H. P. Based on Motor Rate	
Display Cases, Each	.75
Space and Unit Heaters, Each	1.00
Electric Space Heating Systems, Per Circuit, Each	.50
Transformers, Dry or Oil Filled	1.50
Gas Pumps and Dispensers, Each	1.50
Motion Picture Machines	1.50
X-Ray Machines	1.50
All other Machines, Devices and Equipment 1500 Watts or Over, Each	1.50

F. Extra Electrical Inspections

Each extra electrical inspection as defined in Article 43 - - - - - - - - - - $2.00

Inspection fees shall be paid by the tenth of the month following the approval of work by the

Inspection Department. No further permits shall be issued after the tenth of the month unless previous ... fees are paid in full."

Section 2. Severability. If any section or provisions, or parts thereof in this ordinance ... be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the val... of the ordinance as a whole or of any other section or provision or part hereof.

Section 3. Effective date. This ordinance shall be in full force and effect from and after ... teen days of its final passage, as provided by law.

I move the adoption of the foregoing ordinance, this 12 day of February, 1959.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 5 day of March, 1959, to become effective 20 day of March, ...

F. M. Mulvaney
VICE-MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

S.

Councilman Preslar introduced a resolution authorizing Vice-Mayor to execute his consent to ... sent judgment entered in the Superior Court of Buncombe County, North Carolina in the case entitled "Sta... Highway Commission, Petitioner, V. Pleal Walker and wife, Mattie C. Walker; John C. Joyner; John C. Jo... Trustee, Ida L. Fulcher; Ernestine Fulcher Greene; Beulah Baker Swepson; Walter H. Fulcher, Viola Brown; ... of the unknown heirs, born or unborn of Ida L. Fulcher, Ernestine Fulcher Greene, Walter H. Fulcher, Viol... Brown and Beulah Baker Swepson; City of Asheville, North Carolina; County of Buncombe, North Carolina; ... all other persons having or claiming any right, title, interest, or estate in and to the lands embraced ... described in this proceeding, Respondents.", which was, upon motion of Councilman Preslar, seconded by Co... cilman McRary, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book 3 at page 478.

Councilman Algary introduced a resolution authorizing Vice-Mayor to execute deed to Hayward ... Powers and J. A. Reeves, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unan... mously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 479.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

THIS INDENTURE, made and entered into this 5th day of March, 1959, by and between the CITY O... ASHEVILLE, a municipal corporation existing under and by virtue of the laws of the State of North Carolin... party of the first part, and HAYWARD POWERS and J. A. REEVES, parties of the second part:

WITNESSETH:

THAT WHEREAS, by resolution of the City Council of the City of Asheville on January 8, 1959 ... property hereinafter described was authorized to be sold at public sale; and

WHEREAS, after due and proper legal advertisement the property was sold at the Court House ... of Buncombe County, North Carolina on the 9th day of February, 1959, at which time Hayward Powers and J. ... Reeves became the last and highest bidders in the amount of Two Hundred Fifty and 0/100 ($250.00) Dollars ...

WHEREAS, the provisions of the law in regard to said sale having been complied with; and

WHEREAS, the City Council of the City of Asheville on the 5th day of March, 1959 passed a re... lution authorizing and directing the sale and conveyance of said property to Hayward Powers and J. A. ... for the sum of $250.00;

NOW, THEREFORE, for and in consideration of the sum of $250.00 paid to the party of the fir... part by the parties of the second part, the receipt of which is hereby acknowledged, the said party of ... first part has bargained, sold, conveyed and confirmed, and by these presents does bargain, sell, convey ... confirm unto the said parties of the second part, their heirs and assigns, all its right, title and ... in and to the following described property located in the City of Asheville, County of Buncombe, Stat... Carolina, and bounded and more particularly described as follows:

> That parcel of real estate fronting 14 feet, more or less on the east side of Asheland Avenue, being 83 feet in depth, more or less, and known as Lot 189, Sheet 1, Ward 4, as described in tax deed to City, dated 12/12/56, recorded in deed book 781 at page 133 in the office of the Register of Deeds for Buncombe County, N. C.
>
> Subject to any encumbrances of record.

TO HAVE AND TO HOLD the above described land and premises, together with all the rights ... purtenances thereunto belonging or in any wise appertaining, unto the said parties of the second par... heirs and assigns, to the only use and behoof of them and their said heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed ... Mulvaney, its Vice-Mayor, attested by Margaret Simmons, City Clerk, and its corporate seal to be her... fixed, this the day and year first above written.

CITY OF ASHEVILLE

ATTEST: By F. M. Mulvan...
Vice-Mayor

Margaret Simmons
City Clerk
(Seal)

State of North Carolina,
County of Buncombe.

This 5 day of March, 1959, personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, F. M. MULVANEY, who, being by me duly sworn, says that he is Vice-Mayor of the City of Asheville, and that the seal affixed to the foregoing and annexed deed is the corporate seal of said corporation, and that said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said F. M. Mulvaney acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

Lillian Ducker
Notary Public

My commission expires:
Dec. 16, 1960
(Seal)

A request was presented for a uniform classification of Lots 61, 173, 174, 175, 176 and 177, Sheet 5, Ward 2. It was brought out that these lots are presently zoned Neighborhood Trading Area to the back lot line or 250 feet, whichever is greater, and this has resulted in dual zoning of said lots.

Following a discussion Councilman Preslar moved that this request be referred to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Councilman McRary and unanimously adopted.

The Council discussed the problem of dogs running at loose in the city, and following the discussion Councilman Preslar moved that the City Manager be requested to write a letter to the County Board of Health calling this matter to their attention, and requesting them to consider the enactment of an ordinance controlling dogs in congested areas, which motion was seconded by Councilman Algary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

F. M. Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 12, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 12, 1959, at 4:00 P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen W. F. Algary, C. E. Morgan, T. B. Sumner, C. M. Preslar, L. S. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the request of Mr. Roger Morrow that his lots on Logan Avenue remain zoned Commercial and not be rezoned Residential, be granted.

March 11, 1959

Honorable Mayor,
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

It was moved, seconded and unanimously passed that the petition of Mr. Roger Morrow dated February 26, 1959 with respect to the zoning of certain lots on Sheet 1, Ward 6 of the City of Asheville tax maps be acquiesced in by the Planning and Zoning Commission and recommendation made to City Council that Mr. Morrow's lots 15½, 15½, 16 and 16½ of Sheet 1, Ward 6 remain zoned Commercial District and not be rezoned Residential.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:ls

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Clarkson Avenue)

A communication was received from the Planning and Zoning Commission recommending that that portion of tax lots of record 61, 173, 174, 175, 176 and 177, Sheet 5, Ward 2 of the City of Asheville tax maps now zoned RA-6 Residential be rezoned Neighborhood Trading Area.

March 11, 1959

Honorable Mayor,
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend to the City Council that that portion of tax lots of record 61, 173, 174, 175, 176 and 177, Sheet 5, Ward 2 of the City of Asheville tax maps now zoned RA-6 Residential be rezoned Neighborhood Trading Area.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:ls

These recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be passed before the Council, and to give notice and publication of a public hearing on same.

Mr. J. Scroon Styles, attorney for Kent Franklin Bennett, presented a claim for damages for personal injuries, which was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

On February 17, 1959 Kent Franklin Bennett, 6 years of age, was playing on property controlled by the City of Asheville NC. with some other children and fell into an open Well or cistern. The opening of the Well was between 6 or 8 feet, no covering over the top of the Well, and no guard rail around the open Well was from 12 to 15 feet deep; that while playing at this place Kent Franklin Bennett fell into the Well and received severe injury. He was taken to the office of Dr. Montgomery in Asheville immediately taken out of the Well. Dr. Montgomery treated the child for some time; made X-ray and found the child's leg was broken and otherwise injured; his ankle badly sprained and a sizeable crack in one of the bones. The child's foot and leg were placed in a cast.

I am herewith filing a claim for Mr and Mrs. Fred L. Bennett, for damages sustained by their son Kent Franklin Bennett, on the said date of February 17, 1959. When I have the report from Dr. Montgomery I will advise you the amount of damage sustained by the said Kent Franklin Bennett as aforesaid.

Please refer this matter to your Legal Department.

Respectfully submitted

S/ J. Scroon Styles
J. Scroon Styles

Vac

Councilman Morgan introduced a resolution appointing two members of Advisory Board as created under Ordinance #310, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 480.

The City Manager presented the statement showing the budget position of the city for the period ending February 28, 1959.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR

Thursday, March 19, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 19, 1959, at 4:00 p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, J. W. McRary, F. M. Mulvaney, T. B. Sumner, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED (Haywood Road)

A communication was received from Turner Letterman requesting the rezoning of Lots 34 [illegible] Sheet 24, Ward 5 from Commercial, so that a trailer park can be developed.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

ASHEVILLE SCHOOL BOARD - APPOINTMENT OF MEMBERS (Douglas A. Reed and Michael F. Keleher)

Councilman Preslar introduced a resolution appointing members of Asheville School Board which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 481.

ASHEVILLE SCHOOL BOARD - LETTERS OF APPRECIATION TO CHARLES G. TENNENT AND LOUIS LIPINSKY, JR.

The City Clerk was directed to write letters to Mr. Charles G. Tennent and Mr. Louis Lipinsky, Jr., thanking them for their long years of service and splendid contribution made to the school system as members of the Asheville School Board.

SCHOOLS - SAFETY

Councilman Sumner moved that the City Manager be instructed to place a fireman at Grace School for the balance of the school term to patrol the building during the hours children are occupying the building to see that all doors are kept open, said fireman to be equipped with a fire extinguisher, which motion was seconded by Councilman McRary and unanimously adopted.

ARMORY - REPORT ON [illegible]

Vice-Mayor Mulvaney gave a brief report on the conference he and Mr. Hyatt attended in Raleigh with the State Armory Commission, and stated that the proposed armory ranks 24th on the priority list, but that they were advised to hold on to the site for the proposed armory near Municipal Golf Course on the Old Black Mountain Highway.

In this connection Councilman Algary suggested that the grading work on this site be done and that the site be utilized for soft ball until the Armory is constructed.

The City Manager stated he would look into this matter and make an early report to the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 26, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 26, 1959, at 4:00 p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, C. M. Preslar, F. M. Mulvaney, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

SINKING FUND COMMISSION FOR BUNCOMBE COUNTY - APPOINTMENT OF COMMISSIONER NUMBER TWO (Bretney Smith)

Councilman McRary introduced a resolution reappointing Bretney Smith as Commissioner Number Two of the Sinking Fund Commission for Buncombe County, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 482.

WHITE TRANSPORTATION COMPANY - DISCONTINUANCE OF NIGHT SERVICE

The City Manager presented a communication from White Transportation Company advising that due to decline in passenger traffic and operating losses the company is forced to eliminate night bus service beginning April 5, 1959.

Mr. Weir stated that the White Company holds its franchise from the State Utilities Commission and is not required to report its schedules to this Commission, and that the city has no authority to fix schedules.

WESTERN CAROLINA COLLEGE - PARTICIPATION IN CITY GOVERNMENT

Mr. Weir informed the Council that next Thursday will be city college day at Western Carolina College, and that college students will participate in the Council session and departmental activities on that day.

STATE HIGHWAY COMMISSION - ORIGIN AND DESTINATION REPORT

Mr. Weir presented to the Council the Report from the North Carolina State Highway Commission Planning Department on the Origin Destination Movement of Traffic in Asheville area which was made last summer.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 2, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 2, 1959, at 4:00 p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, J. W. McRary, T. B. Sumner, C. E. Morgan, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Mayor Eller extended a welcome to the students from Western Carolina College who had spent the day with city officials in observance of City College Day, and Bill Ballard thanked the city on behalf of the students for this opportunity.

The Mayor announced that this is the date set for the public hearing on the request to re zone certain property on Logan Avenue and certain property off of Merrimon Avenue.

There being no objection to said requests, Councilman Morgan introduced Ordinance No. 411, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted"aye"
Councilman Preslar voted "aye"
Councilman Morgan voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

The City Manager presented the audit of the City of Asheville for the period ending Decem 31, 1958.

The City Manager advised that certain independent bus operators have shown an interest i amending their franchises in order to provide night bus service, and that the matter is being discusse their attorneys with the State Utilities Commission.

The City Manager advised that the Metropolitan Planning Commission has recommended that ville's building and housing code be replaced with adoption of the state building code, and by adding the state code coverage to dwellings, outbuildings, apartment buildings occupied by not more than two lies, and temporary buildings used for construction purposes.

Mr. John Hampton, Planning Director, explained the provisions of the ordinances requested be enacted, and advised that this is necessary if Asheville is to qualify for federal aid in urban projects.

Upon motion of Councilman Preslar, seconded by Councilman Morgan, this matter was referr the Corporation Counsel for study and report, so these amendments can be considered.

The City Manager presented an offer by C. B. Ballard to lease for five years at $75.00 month a lot on reclaimed city property on Riverside Drive for construction of a $3,000 building for a produce market.

Following a discussion this matter was referred to the City Manager for negotiation

Mrs. Roy Rogers of 11 Blanton Street, appeared before the Council with a complaint about water in the street and dogs destroying her property.

The City Manager advised he would have an investigation made of these complaints.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, April 9, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 9, 1959, at 4:00 o'clock p. m. Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, C. E. Morgan, T. B. F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 411 -
AN ORDINANCE AMENDING THE ZONING
MAP AND ZONING ORDINANCE, BEING
ORDINANCE #322, KNOWN AS 'AN
ORDINANCE PROVIDING FOR THE ZONING
OF THE CITY OF ASHEVILLE', AS
AMENDED

Ordinance No. 411, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, NANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED" motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second readi the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution authorizing Mayor to enter into lease with C. B. Ballard for certain property on Riverside Drive, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 483.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

THIS LEASE, made and entered into this 9 day of April, 1959, by and between the CITY OF ASHEVILLE, party of the first part, hereinafter called LESSOR, and C. B. BALLARD, party of the second part, hereinafter called LESSEE;

WITNESSETH:

That the Lessor does hereby lease to the Lessee, and the Lessee hereby accepts from the Lessor, the following described property located in the City of Asheville, North Carolina, and more particularly described as follows:

BEGINNING at a stake on the western margin of Riverside Drive at the intersection thereof with the southern margin of that road leading to the Pearson Bridge, and running thence with the southern margin of said road leading to the Pearson Bridge in a westerly direction 112 feet, more or less, to the Southern Railway Company right-of-way; thence with the eastern margin of the Southern Railway Company right-of-way in a southerly direction 200 feet to a stake in the said Railway Company right-of-way line; thence in an easterly direction 97 feet, more or less, to the western margin of Riverside Drive; thence with the said margin of said Riverside Drive North 19 deg. 16' West 200 feet to the point of BEGINNING.

This lease is executed upon the following terms and conditions:

1.

This lease shall be for a term of five years, commencing on the 1st day of June, 1959, and ending on the 31st day of May, 1964, and that Lessee shall have the right to renew this lease for an additional five years upon such terms and conditions as may be agreed upon between the parties hereto.

2.

The Lessee shall pay the annual rental of $1080.00, payable in equal monthly installments of $90.00 on or before the 1st day of each and every month in advance, the first installment being due on or before June 1, 1959.

3.

The Lessee expressly agrees that he will, by June 1, 1959, construct upon the demised premises a brick or block building costing at least the sum of $3,000.00, and to be used as a lunch room and produce stand, which building shall be considered a part of the real estate and become the property of the Lessor upon the termination of this lease or any renewal thereof, and the Lessee shall have the right to make such reasonable use of the premises after the execution hereof necessary to construct said brick or block building.

4.

The Lessor agrees that it will apply a crushed stone or gravel surface to the property hereby leased within a reasonable time after being notified by Lessee that the building has been completed.

5.

The Lessee agrees to pay all real estate taxes and assessments, levied or assessed upon the leased premises.

6.

This lease is subject to any existing rights-of-way or easements of record in the Register of Deeds' office for Buncombe County, N. C., including, but not limited to, easements or rights-of-way in favor of Carolina Power & Light Company and Southern Railway Company.

7.

This lease shall not be assigned or the leased premises sub-let without the written consent of the City Manager of the Lessor.

8.

That the Lessee upon the termination of this lease will surrender said premises in as good order and condition as they are in at the beginning of this lease, ordinary wear and tear excepted.

9.

That the Lessee will make no unlawful or offensive use of the promises, and shall comply with all lawful ordinances and regulations of the City of Asheville now in force or hereafter adopted which in any manner affect the use of said premises.

10.

If during the term of this lease the leased premises are so damaged by flood, fire or other catastrophe or casualty as to render the same uninhabitable this lease shall terminate.

11.

It is further understood and agreed that the Lessee is granted the option to lease an additional 100 feet fronting on Riverside Drive and the Southern Railway Company right-of-way extending southward from

the property herein leased at a rate of $.33 per front foot if and when the City of Asheville releases this frontage from its filling operation now taking place, and when and if said additional 100 foot frontage is leased it shall be leased for such a period as to be coterminous with this lease, and subject to the same terms as herein contained.

12.

If the Lessee shall fail or neglect to make any payment of rent when due, or shall violate any of the provisions of this lease, the Lessor without any other notice or demand may terminate this lease and require the Lessee to vacate the premises hereby demised, or may enter the premises and expel the Lessee therefrom, or the Lessor may in lieu of the above or in conjunction therewith pursue any other lawful right or remedy incident to the relief created by this lease.

IN WITNESS WHEREOF, the said Lessor has caused these presents to be signed by E. W. Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its corporate seal to be hereunto affixed; and the Lessee has hereunto set his hand and seal, this the day and year first above written.

ATTEST:

CITY OF ASHEVILLE

S/ Margaret Simmons
City Clerk

By S/ E. W. Eller
Mayor

(Seal)

S/ C. B. Ballard

The City Manager presented the Annual Report of the Asheville Boxing Commission for the year ending December 31, 1958.

The City Manager presented the statement showing the budget position of the City of Asheville for the period ending March 31, 1959.

Mr. William Styles, attorney for Don Lyle, appeared before the Council and requested that the city lay pipe underground to drain surface water off of Mr. Lyle's lot on Belmont Avenue, contending that this water is all street runoff.

The City Manager stated the City Engineer has advised that this drainage is natural, the waters of a creek, and that carrying out Lyle's request would put city in the position of improving private property.

Following a discussion Councilman McRary moved that this matter be referred to the City Manager and City Engineer in an attempt to work out a compromise, which motion was seconded by Councilman Collar and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, April 16, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Thursday, April 23, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 23, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. [illegible], J. W. McRary, Director of Public Safety Carl B. Hyatt, Jr., and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

CL[illegible]

A claim for property damages in the amount of $40.32 was presented by John W. Youngblood, claim was referred to the Corporation Counsel for investigation.

April 21, 1959

Mr. O. E. Starnes, Jr.
c/ Miss Margaret Simmons
City Clerk
City Hall, Asheville, North Carolina

Dear Mr. Starnes:

Confirming our telephone conversation of this date, I would like to make claim for repairs of my automobile which was damaged by the negligence of city employees.

About 10:00 A. M. today I was driving my 1959 Ford north on Merrimon at a speed of approximately 25 M.P.H., most certainly not over this speed. When I was some distance past Spears Street and almost in front of the IXL Shop, I saw for the first time

a wooden horse in the middle of the road about twenty to twenty five feet in front of me. Allowing some distance for reaction time, I struck my brakes as fast as I could and skidded into the horse. The horse was in front of a treacherous hole which measured approximately three feet in length, two to three feet in width and two feet deep. After striking the horse, my left front tire went into the hole damaging my vehicle to the extent of the attached bill.

Please be advised the horse was gray in color and blended in with the gray or dark pavement. It was impossible to detect the dangerous condition until right upon it. There were no lights, flares, men working or warning signs of any nature in the vicinity.

A lady who works in the IXL Shop advised me someone had hit the corner of the hole last night. The gentleman who works there stated he had called the city and warned them of the existing dangerous condition and warned them an accident of this nature would occur. He further stated he will be happy to tell anyone with the city the color of the horse blended in with the color of the pavement making it impossible to see until right upon it.

I could not drive my vehicle after the accident and parked same at Tom's Grocery Store one half block down the street. My wife came for me, and I went home with the purpose of obtaining my camera and taking pictures to show you the dangerous hole and its position in the road. When I returned to the area about fifteen minutes later, there were four or five men repairing the hole. I advised them they were about 30 minutes too late in repairing the hole as I had just run into it damaging my vehicle. The employees appeared rather amused about the whole matter. They did, however, leave the horse in front of the repaired area.

I was driving north on Merrimon again about 12:45 P. M., and I noticed someone else had struck the horse knocking it on its side.

Your consideration in payment of this claim will be greatly appreciated as I feel I was driving in as careful manner as possible and keeping a proper lookout under the conditions. I would appreciate your paying Sams Motor Sales direct if you accept liability and including my name on the draft in order that I may endorse same.

I thank you.

Very truly yours,

S/ John W. Youngblood
John W. Youngblood

JWY:db

[illegible] - [illegible]
[illegible] Mimosa Drive

A petition signed by a number of residents on Mimosa Drive was received requesting that both sides of Mimosa Drive be rezoned residential.

The Council referred this petition to the Planning and Zoning Commission for study and recommendation.

[illegible] - Re[illegible]

A report from the Municipal Board of Elections showing the results of the Primary Election held on April 14, 1959 was presented.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

April 15, 1959

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, April 14, 1959 the Municipal Primary Election for officials of the City of Asheville was held for the City of Asheville for the Democratic candidates for City Councilmen; and

WHEREAS, certificates of result of said Municipal Primary Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on April 15, 1959; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 24 city polling precincts for the Municipal Primary Election; and

WHEREAS, the result of said election was published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Municipal Primary Election for seven offices of Councilmen of the City of Asheville, and declaring the result thereof, together with sworn statement tabulating such returns.

Yours very truly,

S/ Eugene P. Coston
Chairman

S/ Elizabeth R. Weaver
Secretary

S/ H. R. Logan

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE HELD APRIL 14, 1959, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Primary Election for city officials held on April 14, 19[illegible] the City of Asheville having been received from the Registrars and Judges of election in the various p[illegible] of the city, and this Board having canvassed the same, the following facts are hereby found and determi[illegible]

(a) That each Registrar and Judge for said Primary Election for city officials held in the [illegible] Asheville on April 14, 1959 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast f[illegible] Councilmen in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of voting in said Primary Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, the number of legal ballots cast in each precinct for each office, the name of each person voted for and number of votes given to each person for each different office, and the totals of such numbers:

	PRECINCTS											
For Councilmen	1	2	3	4	5	6	7	8	9	10	11	12
W. F. Algary	68	58	35	84	149	59	67	62	45	24	129	79
E. W. Eller	75	56	35	86	160	62	65	60	47	22	129	85
J. W. McRary	72	57	36	89	152	61	65	65	45	21	129	83
C. E. Morgan	76	58	36	87	156	63	67	65	47	23	130	86
Frank M. Mulvaney	74	57	35	82	150	61	68	68	45	19	129	87
C. M. Preslar	68	55	35	78	151	62	65	60	45	20	129	84
Samuel Robinson	33	14	6	46	56	22	12	39	12	11	5	14
T. B. Sumner	68	47	34	82	148	56	65	59	40	21	127	80

For Councilmen	13	14	15	16	17	18	19	20	21	22	23	24	TOTALS
W. F. Algary	46	296	99	91	98	35	167	113	65	113	209	80	2271
E. W. Eller	43	301	103	95	105	35	168	111	70	119	206	83	2321
J. W. McRary	47	301	105	92	106	37	169	112	68	120	213	87	2332
C. E. Morgan	45	300	105	91	101	38	169	113	69	121	212	86	2344
Frank M. Mulvaney	47	298	103	86	97	37	167	109	68	123	215	86	2311
C. M. Preslar	36	294	96	88	91	31	166	108	65	115	207	82	2231
Samuel Robinson	24	29	29	44	54	19	18	18	11	46	41	22	625
T. B. Sumner	40	293	99	95	91	35	162	109	65	113	200	80	2209

Dated this 15th day of April, 1959.

S/ Eugene P. Coston
S/ Elizabeth R. Weaver
S/ H. R. Logan
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 15th day of April, 1959.

My commission expires:
Jan. 6, 1960

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men received the highest number of votes cast and received a majority of the votes cast in the Democratic Primary held on said April 14, 1959 for the office of City Council, and they are therefore declared to be the seven members of said party nominated by said party at said election, and they are hereby declared to be the nominees of the Democratic party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 12, 1959 as their party's candidates for such offices:

W. F. Algary
E. W. Eller
J. W. McRary
C. E. Morgan
Frank M. Mulvaney
C. M. Preslar
T. B. Sumner

(b) That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 4. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Mrs. Weaver moved the passage of the foregoing resolution and Mr. Logan seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Mrs. Weaver, Mr. Logan and Mr. Coston, and those voting against said resolution being None.

We, members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE HELD APRIL 14, 1959, AND DECLARING THE RESULT THEREOF", which was duly adopted on April 14, 1959 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 7, beginning at page 29 and ending at page 31, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 15 day of April, 1959.

S/ Eugene P. Coston
S/ Elizabeth R. Weaver
S/ H. R. Logan
Members of the Municipal Board of Elections of the City of Asheville

Ordinance No. 411, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary did not vote
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 411

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

A. That the following described property be rezoned from Commercial to RA-5 Residential:

Lots 1, 2, 3, 4, 5, 5½, 6, 7, 8, 9, 10½, 10, 11, 11½, 12½, 12, 13, 14, 15 17, 18, 27, 28, 29, 30, 31 and 32, Sheet 1, Ward 6.

B. That the following described property be rezoned from RA-6 Residential to Neighborhood Trading Area:

Lots 61, 173, 174, 175, 176 and 177, Sheet 5, Ward 2.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 2 day of April, 1959.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 23 day of April, 1959, to become effective 8 day of May, 1959.

E. W. Eller
MAYOR

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 30, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 30, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, C. M. Preslar, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 412, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Algary voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Preslar voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 7, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 7, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that no action be taken on the requested change from Neighborhood Trading Area to Residential Area of certain double frontage lots on Haywood Road and Mimosa Drive.

May 6, 1959

Honorable Mayor
Members of City Council
City of Asheville
Asheville, N. C.

Gentlemen:

At the May 6th meeting of the City of Asheville Planning and Zoning Commission it was moved, seconded and unanimously passed that the Commission recommend to City Council that no action be taken on the requested change from Neighborhood Trading Area to Residential Area of certain double frontage lots on Haywood Road and Mimosa Drive.

Very truly yours,

ls

S/ Anthony Redmond
Anthony Redmond
Secretary

A communication was received from the Planning and Zoning Commission recommending that no action be taken on the request of Mr. Turner Letterman to rezone Lots 34 and 35, Ward 5, Sheet 24 from Commercial Zone to such zoning as would permit the construction thereon of a trailer park.

May 6, 1959

Honorable Mayor
Members of City Council
City of Asheville
Asheville, N. C.

Gentlemen:

At the May 6th meeting of the City of Asheville Planning and Zoning Commission it was moved, seconded and unanimously passed that the Commission recommend to City Council that no action be taken on the request of Mr. Turner Letterman to rezone Lots 34 and 35, Ward 5, Sheet 24 from Commercial Zone to such zoning as would permit the construction thereon of a trailer park.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

ls

Ordinance No. 412, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960", was upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

The City Manager presented the report showing the budget position of the City for the period ending April 30, 1959.

Mrs. J. R. Washburn appeared before the Council requesting action to curb the nuisance of roving dogs, and action to beautify the downtown section.

Councilman Sumner also discussed the control of dogs.

Mr. Shelby Horton, speaking for the Civic Rights Committee, appeared before the Council with a letter requesting more factual information on how the city intends to provide services in the proposed annexed area, and on the city's ability to finance the services.

Also speaking in this behalf were Col. C. S. Pettee, and Mr. A. F. Gardner.

The City Manager advised that the city is a creature of the legislature, and will be required to furnish any services as ordered by the legislature.

There being no further business, the meeting was upon motion adjourned.

Mayor

CITY CLERK

Thursday, May 14, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 14, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, C. M. Preslar, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 412, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960", was upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Preslar voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 412

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings occupations, or doing the act named, or selling or offering for sale any of the articles enumerated herein within the corporate limits of the City of Asheville, from the first day of June, 1959, to the thirty-first day of May, 1960, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax

required by this ordinance by September 1, 1959, 2% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of the two (2%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Boot Carlons, or Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding subsection (a) unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where same or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from any loss arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers	$1,000.00
2. Junk Dealers	$1,000.00
3. Electrical Contractors	$1,000.00
4. Electrical Sign Contractors and Hangers	$1,000.00
5. Plumbing Contractors	$1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	$1,000.00
Doing such work costing over $300.00	$1,000.00
7. House movers	$1,000.00

Section 5

That whenever the word "person" is used in this ordinance, the same shall be construed to mean "firms", "companies", "corporations", and "associations".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts or upon other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding month, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, which shall be rendered to said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any licenses until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1959, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such busi-

poses, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after Jan. 1, 1960 the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on persons, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee, manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after a revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1959-1960, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as fully as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 398 ENTITLED "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1957 AND ENDING MAY 31, 1958", as recorded in City of Asheville Docket 33 of the Minutes of the Proceedings of the Council at pages 458 through 511 and a portion of 512, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City Council, at pages 90 through 143 and a portion of page 144, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule, shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of taxes heretofore made, or any rights heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective June 1, 1959.

I move the adoption of the foregoing ordinance, this the 30 day of April, 1959.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted by the Council on first reading, 30 day of April, 1959, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading

day of May, 1959, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 14 day of May, 1959, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of June, 1959

E. W. Weir
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simons
CITY CLERK

The City Manager presented a report from the Municipal Board of Elections showing the results of the General Election held on May 12, 1959.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

May 13, 1959

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 12, 1959 the Municipal General Election for officials of the City of Asheville was held for the City of Asheville for the Democratic candidates for City Councilmen, and for the Judge, and the Solicitor of the Police Court of the City of Asheville; and

WHEREAS, certificates of result of said General Municipal Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A. M. on May 13, 1959; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 24 city polling precincts for said General Municipal Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville, and for the Judge, and the Solicitor of the Police Court of the City of Asheville, and declaring the result thereof, together with sworn statement tabulating such returns.

Yours very truly,

S/ Eugene P. Coston
Chairman

S/ Elizabeth R. Weaver
Secretary

U. P. Logan

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, FOR OFFICE OF JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE, AND FOR OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE HELD MAY 12, 1959, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville, for office of Judge of Police Court of the City of Asheville, and for office of Solicitor of Police Court of the City of Asheville held on May 12, 1959 in the City of Asheville having been received from the Registrars and Judges of election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said General Municipal Election for seven offices of Councilmen of the City of Asheville, for office of Judge of Police Court of the City of Asheville, and for office of Solicitor of Police Court of the City of Asheville held in the City of Asheville on May 12, 1959 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen, for Judge of Police Court of the City of Asheville, and for Solicitor of Police Court of the City of Asheville in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said General Municipal Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and the totals of such numbers:

	PRECINCTS											
For Councilmen	1	2	3	4	5	6	7	8	9	10	11	12
W. F. Algary	25	18	15	38	48	27	30	36	19	10	56	13
E. W. Eller	25	18	16	38	49	27	30	36	19	10	57	14
J. W. McRary	25	18	15	39	49	27	30	36	19	10	57	13
C. E. Morgan	25	18	15	37	47	27	31	36	19	10	55	12
Frank M. Mulvaney	25	18	16	39	48	27	31	36	19	10	57	13
C. M. Preslar	25	18	15	38	49	28	31	36	19	10	54	13
T. B. Sumner	25	18	15	38	49	27	30	36	18	10	57	12
S. Robinson					1							
For Solicitor of Police Court												
William C. Hampton	24	17	16	39	47	27	28	35	17	10	60	13
For Judge of Police Court												
Sam M. Cathey	25	19	16	40	48	28	29	36	19	10	58	13

For Councilmen	13	14	15	16	17	18	19	20	21	22	23	24	TOTALS
W. F. Algary	25	100	30	35	20	9	72	24	17	37	53	16	772
E. W. Eller	25	101	31	37	20	9	72	25	17	38	55	16	785
J. W. McRary	25	101	31	35	20	9	71	25	17	37	55	16	780
C. E. Morgan	25	100	31	34	20	9	72	25	17	37	54	16	772
Frank M. Mulvaney	25	102	31	35	20	9	72	25	19	40	54	16	787
C. M. Preslar	25	101	31	35	20	9	71	24	17	36	53	15	773
T. B. Sumner	25	100	29	37	19	9	70	24	17	40	55	15	775
For Solicitor of Police Court													
William C. Hampton	24	104	31	33	19	9	70	24	19	37	52	15	770
For Judge of Police Court													
Sam M. Cathey	24	105	31	34	20	9	72	24	19	38	53	15	785

Dated this 13th day of May, 1959.

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ H. R. Logan
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me, this 13th day of May, 1959.

My commission expires:
Jan. 6, 1960
(Seal)

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men were officially elected to the office of City Council for the City of Asheville:

W. F. Algary
E. W. Eller
J. W. McRary
C. E. Morgan
Frank M. Mulvaney
C. M. Preslar
T. B. Sumner

(b) That at said election William C. Hampton was officially elected to the office of Judge of Police Court of the City of Asheville, and Sam M. Cathey was officially elected to the office of Judge of Police Court of the City of Asheville.

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Mrs. Weaver moved the passage of the foregoing resolution and Harry Logan seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Eugene P. Coston, Mrs. Weaver, and Mr. Logan, and those voting against said resolution being ---

We, members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR THE OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, AND FOR OFFICE OF JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE AND FOR OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE HELD MAY 16, 1959 AND DECLARING THE RESULT THEREOF, which was duly adopted on May 13, 1959 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 3, beginning at page 41 and ending at page 43, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 13 day of May, 1959

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ H. R. Logan
Members of the Municipal Board of Elections of the City of Asheville

AUDIT BOARD

The City Manager presented the Audit for the City of Asheville Board of Alcoholic Control for the period ending March 31, 1959.

Councilman Sumner discussed the question of fire hazards to children in some church Sunday Schools and requested that the City Fire Inspection Department check these buildings, and report to proper church authorities if dangerous conditions exist.

The City Manager advised that churches are public buildings, and that he will instruct the Fire Inspection Department to make these inspections to determine if and where such dangers exist.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Monday, May 18, 1959 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 18, 1959 with retiring Mayor E. W. Eller presiding.

The invocation was rendered by Dr. Embree H. Blackard.

The members of the City Council took the oath of office in a body, which oath was administered by the Honorable Zebulon Weaver, Clerk of the Superior Court, as follows:

COUNCILMEN:
E. W. Eller
W. F. Algary
J. W. McRary
Frank M. Mulvaney
Carter M. Preslar
Theodore B. Sumner
C. E. Morgan

ELECTION OF MAYOR

Mr. Eller announced that the next order of business is the election of Mayor.

Councilman Preslar moved that Mr. Eller be nominated for Mayor, which motion was seconded by Councilman Sumner. Whereupon, Councilman Morgan asked if there were any further nominations, and there being none Mr. Eller was unanimously elected as Mayor.

ELECTION OF VICE-MAYOR

Councilman Sumner nominated Mr. Mulvaney for Vice-Mayor, which motion was seconded by Councilman Morgan. There being no further nominations a vote was taken and Mr. Mulvaney was unanimously elected as Vice-Mayor.

APPOINTMENT OF CITY MANAGER

Councilman Algary nominated Mr. Weldon Weir for City Manager, which motion was seconded by Councilman Morgan. There being no further nominations a vote was taken and Mr. Weldon Weir was unanimously elected as City Manager.

APPOINTMENT OF CORPORATION COUNSEL

Councilman McRary nominated Mr. O. E. Starnes, Jr. for Corporation Counsel, which motion was

seconded by Councilman Mulvaney. There being no further nominations a vote was taken and Mr. O. E. Starnes, Jr. was unanimously elected as Corporation Counsel.

APPOINTMENT OF CITY CLERK

Councilman Mulvaney nominated Miss Margaret Simmons for City Clerk, which motion was seconded by Councilman McRary. There being no further nominations a vote was taken and Miss Margaret Simmons was unanimously elected as City Clerk.

CIVIL SERVICE DIRECTOR AND MEMBER OF CIVIL SERVICE BOARD

Councilman Morgan nominated Mr. John L. Huntsman as Director of Civil Service, and Mr. Samuel J. Fisher as a member of the Civil Service Board, which motion was duly seconded. There being no further nominations a vote was taken and Mr. John L. Huntsman was elected as Director of Civil Service, and Mr. Samuel J. Fisher was elected a member of the Civil Service Board.

CITY MANAGER, CORPORATION COUNSEL, CITY CLERK, OATHS OF OFFICE

The oath of office was administered to the City Manager, Corporation Counsel and City Clerk by Honorable Zebulon Weaver, Clerk of Superior Court.

BANKING DEPOSITORIES -
Wachovia Bank and Trust Company,
First Union National Bank,
Bank of Asheville

Councilman Mulvaney introduced a resolution designating banking depositories for city funds, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 484.

The City Manager was requested to divide the deposits as equally as possible among the designated banking depositories.

COUNCIL - TIME OF WEEKLY MEETINGS

Councilman Morgan introduced a resolution prescribing the time and day of the weekly meetings of the City Council, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 485.

BONDS - OFFICERS AND EMPLOYEES

Councilman Preslar introduced a resolution designating the officers and employees who shall give bonds for performance of their duties and setting amounts thereof, which was, upon motion of Councilman Preslar, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 486.

DEPARTMENT HEADS - REAPPOINTED

Mr. Weir thanked the Council for the opportunity of serving the city for another term, and also thanked the Council on behalf of the other administrative heads of the city for this opportunity.

Mr. Weir announced that all administrative personnel are reappointed to their present positions for the new term.

SALARIES OF CITY OFFICIALS AND EMPLOYEES

Mr. Morgan moved that the salaries of city officials and employees be continued at the present rate, which motion was seconded by Councilman McRary and unanimously adopted.

BUNCOMBE COUNTY MINISTERIAL ASSOCIATION - Invitation to members to attend Council meetings

Councilman McRary suggested that the Buncombe County Ministerial Association be invited to have one of its members attend Council meetings at regular intervals to render the invocation.

Following a discussion the City Manager suggested that the City Clerk be instructed to write a letter to the Ministerial Association advising the time of the weekly meetings of the City Council and extending an invitation to the Association to have a member present at said meetings.

Councilman McRary moved that the City Clerk be so instructed, which motion was seconded by Councilman Morgan and unanimously adopted.

Dr. Blackard thanked the Council for this invitation.

The minutes of the previous meeting were read and approved.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, May 21, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 28, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 28, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, J. W. McRary, C. E. Morgan, F. M. Mulvaney, W. F. Algary, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

SINKING FUND COMMISSION FOR BUNCOMBE COUNTY - CALL OF BONDS

Councilman Morgan introduced a resolution authorizing the calling of certain City of Asheville bonds and authorizing the Sinking Fund Commission for Buncombe County to publish notice in The Bond Buyer of New York, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 487.

CAROLINA POWER & LIGHT COMPANY - CONTRACT FOR STREET LIGHTING SERVICE AT RECREATION PARK

Councilman McRary introduced a resolution authorizing the Mayor and City Clerk to execute contract between Carolina Power & Light Company and the City of Asheville, North Carolina, for street lighting service, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 488.

APPLICATION FOR STREET LIGHTING SERVICE

FORM NO. 1

Date May 28, 1959

Location ...Asheville,.North.Carolina..... (City or Town and State)

The undersigned, herein called "Customer" hereby applies to Carolina Power & Light Company herein called "Company" for street lighting service under its applicable Schedule No. SL-1A and its Street Lighting Service Regulations, a copy of each being hereto attached and made a part hereof. The said service is for the lighting units located within a city-owned park, known as Recreation Park, near Asheville, N. C., and described on Exhibit(s) No. 1 attached hereto as a part hereof.

It is understood that Company's acceptance of this Application will be evidenced only by the signature of its authorized representative in the space provided therefor below and when so accepted it shall constitute an Agreement as of the date hereof for the service requested to begin on 29th day of May, 1959, and continuing until the 29th day of May, 1969, and shall automatically extend (a) for a successive additional period of ten (10) years, and (b) for additional successive like periods of extension by the continued receipt and use of street lighting service, provided that either party may terminate this Agreement at the end of the original period or at the end of any extended period, by giving not less than six months' previous notice in writing to the other party of the intention to terminate same. If accepted, this Application shall constitute the only Agreement between the parties concerning the supplying of street lighting service at the location set forth herein for street lighting service.

The applicable Schedules and Service Regulations hereto attached as a part of this Service Agreement are subject to change, revision, alterations or substitution either in whole or in part, made at any time or from time to time by the order or approval of the State regulatory commission having jurisdiction, and any such change, revision, alteration, or substitution shall immediately become effective as a part of this Agreement.

In the event Customer defaults in the payment of bills for service and by reason thereof the illumination furnished hereunder is discontinued, such discontinuance of illumination shall not be a abrogation of this Agreement, and Customer shall not be relieved of the obligation to pay the facility charges hereunder.

IN TESTIMONY WHEREOF, Customer, pursuant to a resolution passed by its Board of Councilmen, at a regular meeting held in the City Hall on the 28th day of May, 1959, has caused this Application to be signed in its corporate name, by its Mayor and its corporate seal to be hereto affixed and attested by its Clerk.

Attest:

By Margaret Simmons Clerk
(Seal) (Title)

APPROVED AS TO FORM

Corporation Counsel

CITY OF ASHEVILLE

By E. W. Eller Mayor
(Title)

Accepted: ____ day of _____, 19____

CAROLINA POWER & LIGHT COMPANY

By _____
Authorized Representative (Title)

LIBRARY BOARD - APPOINTMENT OF MEMBERS (Miss Annie Westall, Walter R McGuire and Charles R Robinson)

Councilman Mulvaney introduced a resolution appointing three members of Library Board of City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 489.

Councilman Preslar introduced a resolution appointing members of Board of Electrical Exami... and members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Pre... seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 490.

Councilman Mulvaney introduced a resolution appointing members of Board of Trustees of the ... men's Relief Fund, which was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unan... adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 491.

Councilman McRary introduced a resolution appointing members to Board of Adjustment under ... nance #322, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously a...

Complete copy of resolution will be found in Resolution Book 3 at page 492.

Councilman Preslar introduced a resolution electing member of Board of Examiners for Poli... and Firemen's Pension and Disability Fund, which was, upon motion of Councilman Preslar, seconded by C... man Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 493.

... PETITION FOR ... AND IMPROVED LIGHTING

Mr. James S. Howell, spokesman for a group of property owners and business men on Merrim... presented a petition signed by some 80 per cent of said group, requesting that parking be eliminated ... mon Avenue to make way for four traffic lanes and that street lighting be improved. Mr. Howell also ... that the group is asking the State Highway Commission to improve Elk Mountain Road as a link from the ... end of the city with the Blue Ridge Parkway.

Also speaking in this behalf were Mr. Tom Groce, Jr., Mr. Herschel M. Watson and Mr. Glenn ... Matter.

Following a discussion, the Council referred this petition to the Department of Public Safe... study and recommendation.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY

Thursday, June 4, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 4, 1959, at 4:00 o'clock p. m. with ... E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, C. M. Preslar, W. F. Algary, ... Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

LIBRARY BOARD - LEGISLATION REQUESTED TO INCREASE NUMBER OF MEMBERS AND PARTICIPATION BY COUNTY

A resolution of the Library Board was presented to the Council requesting the Council to ... mend to the members of the North Carolina General Assembly from Buncombe County that legislation be ... increasing the number of members on the Library Board to 7, and that the Council, upon recommendation ... Library Board of the City of Asheville, may, within its discretion, delegate to the Buncombe County ... County Commissioners the power to appoint as many as three members of the Board.

RESOLUTION

WHEREAS, the Library Board of the City of Asheville is of the opinion that increased use of library facilities by Buncombe County residents who reside outside of the city limits of Asheville, and the financial support of the library by the County of Buncombe, would justify the appointment of a member or members of the Board by the Board of County Commissioners, and

WHEREAS, the Board is advised that under the provisions of existing law as it applies to the Library Board, all members must be appointed by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council is respectfully requested to recommend to the members of the North Carolina General Assembly from Buncombe County that Chapter 149 of the 1943 Session Laws of North Carolina be amended to incorporate in substance the following:

Said Board shall consist of seven (7) members to be elected by the City Council. All members shall be residents of Buncombe County, and at least four (4) members shall be residents of the City of Asheville. The City Council, upon recommendation of the Library Board of the City of Asheville, may, within its discretion, delegate to the Buncombe County Board of County Commissioners the power to appoint as many as three (3) members of the Board.

I move the adoption of the foregoing resolution.

S/ George M. Stephens
TRUSTEE

SECONDED BY: S/ Walter R. McGuire
TRUSTEE

Read, approved and adopted, this 4 day of June, 1959.

S/ Margaret H. Ligon
SECRETARY

During the discussion the City Manager pointed out that due to the time element involved it is necessary to take some action on this request immediately in order to place it before the 1959 General Assembly. The City Manager further advised that the records indicate that more than 50% of the circulation of the library is outside of the corporate limits, that out of a library budget of $131,690 the county made an appropriation of $18,000, and that he was of the opinion if the County Commissioners had a greater share in administration of library affairs it might justify increased appropriations at the county level.

Following the discussion it was the consensus of opinion of the Council that legislation be requested increasing the membership of the Library Board to seven, the City Council appointing four of said members, and the County Commissioners appointing three, and upon motion of Councilman Sumner, seconded by Councilman McRary, the City Manager was instructed to present this request to the Buncombe County delegation to the General Assembly to be enacted into law.

...

The City Manager presented the audit report of the City of Asheville for the period ending March 31, 1959.

BUDGET STATEMENT

The City Manager presented a statement showing the budget position of the City for the period ending May 31, 1959.

RECREATION DEPARTMENT - SUMMER SCHEDULE

The City Manager presented the summer schedule of the Parks-Recreation Department.

ZOO

The City Manager gave a brief report on the reactivated Recreation Park Zoo, and advised that in spite of unfavorable weather there had been excellent attendance at this facility.

CIVIL SERVICE BOARD - CANVASS OF MEMBERS OF CLASSIFIED SERVICE (J. H. Bailey and Robert Y. Praytor)

The City Manager presented the Certification of Board of Canvassers of votes cast for members of the Civil Service Board by employees in the classified service, showing the election of J. H. Bailey and Robert Y. Praytor.

LEASE AGREEMENT AUTHORIZED - B. V. HEDRICK CO.

The City Manager requested permission to negotiate an amendment to the city's lease with B. V. Hedrick Co. for gravel digging operations on city-owned land below North Fork Dam, adding a flat additional rental of $1,500 per year to the present royalty of five cents per ton of gravel paid by Hedrick in order to liquidate the city's $9,000 share in the settlement of a court suit brought by former owners of the property, and also providing that digging operations keep the property in suitable shape for future recreation use.

The City Manager was authorized to negotiate this amendment.

AIRPORT - POLICE POWER

The matter of police power and related authority at the new airport was discussed, and the City Manager was authorized to confer with Henderson County authorities in an attempt to get a friendly settlement of this matter in order to provide a good operation of this facility for Asheville and all of Western North Carolina.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 11, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 11, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. W. Mulvaney, C. M. Preslar, T. B. Sumner, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Sumner introduced a resolution authorizing the Mayor to execute conveyances of certain property belonging to the City of Asheville to the County of Henderson, N. C. and the City of Hendersonville, N. C., which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 494.

In this connection Mr. Weir pointed out that in the negotiations legislation has been introduced to annex all of the new airport which lies in Henderson County into Buncombe County.

Mayor Eller announced the appointment of J. O. Buchanan as a member of the Housing Authority of the City of Asheville to succeed Eugene P. Coston, and the re-appointment of John W. Tuton as a member of said Housing Authority.

Mr. Weir advised that he would submit a proposed city operating budget for the coming fiscal year at the next Council meeting, said budget to lie on the City Clerk's desk for twenty days, and that date to review the budget will be set next Thursday.

Councilman Preslar presented an invitation to the Council to attend the opening of the Linn Highway, which is the new Blue Ridge Parkway link between Soco gap and the Parkway terminus near Elkmont on Thursday, June 25, at 3:00 p. m., and made a motion that this invitation be accepted, which motion was duly seconded and unanimously adopted. There will be no Council meeting on that date.

Mr. Henry Fisher appeared before the Council and objected to the conveyance by the city of certain land at the old Asheville-Hendersonville Airport to the County of Henderson and the City of Hendersonville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, June 18, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 18, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, W. F. Algary, C. E. Morgan, F. M. Mulvaney and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager presented the Annual Report of the Civil Service Board.

A communication was received from the Asheville and Buncombe County Ministerial Association advising that the Association had accepted the invitation of the City Council to give the invocation at Council meetings, and that a schedule would be worked out.

WATERSHED AREA - RHODODENDRON - TOURIST ATTRACTION

Councilman Sumner suggested that a 200 acre city-owned tract in the Great Craggy Mountains at the head of North Fork watershed lands be developed as a tourist attraction, particularly for the rhododendron season.

The City Manager stated he would explore this matter with Blue Ridge Parkway and health officials, and bring back a full report.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1959-1960, as prepared by the City Manager, and the Council placed a copy of same on file for public inspection in the office of the City Clerk.

Upon motion of Councilman McRary, seconded by Councilman Mulvaney, the City Clerk was directed to publish Notice of Presentation of Budget Estimate.

Tuesday, July 7th, was tentatively set as the date for study of the budget by the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 25, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Friday, June 26, 1959--11:00 o'clock A. M.

At the request of City Manager Weldon Weir the following notice was sent to all members of the City Council more than twelve hours previous to the time set for this meeting:

Dear Sir:

A special meeting of the City Council has been called by Weldon Weir, City Manager of the City of Asheville, to be held Friday, June 26, 1959, at 11:00 o'clock A. M. in the Council Chamber of the City Hall for the purpose of considering and acting upon the following matters or subjects:

(1) Resolution Accepting the Grant Offer dated June 19, 1959 made by the Administrator of Federal Aviation on behalf of the United States of America to the City of Asheville in the sum of not to exceed $262,500.00, as an aid in the development of the Asheville Airport.

(2) Any and all other subjects or matters which may legally come before the Council.

Yours very truly,

Margaret Simmons
City Clerk

NOTICE OF SPECIAL MEETING

The following notice was published in The Asheville Times one time prior to said meeting:

NOTICE OF SPECIAL MEETING OF
THE CITY COUNCIL OF THE CITY
OF ASHEVILLE

TO WHOM IT MAY CONCERN: Notice is hereby given that the City Council of the City of Asheville will meet in the Council Chamber, 2nd floor, City Hall, at 11 o'clock A. M., Friday, June 26, 1959.

The purpose of the meeting is to consider and act upon the following matters or subjects:

1. Resolution accepting the Grant Offer dated June 19, 1959 made by the Administrator of Federal Aviation on behalf of the United States of America to the City of Asheville in the sum of not to exceed $262,500.00, as an aid in the development of the Asheville Airport.

2. Any and all other subjects or matters which may legally come before the Council.

Weldon Weir
City Manager

By request

Margaret Simmons
City Clerk

The City Council of the City of Asheville, North Carolina met in special session on Friday, June 26, 1959, at 11:00 o'clock A. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The following Resolution was introduced by Councilman Morgan, seconded by Councilman Preslar, read in full, considered, and unanimously adopted:

Resolution accepting the Grant Offer dated June 19, 1959 made by the Administrator of Federal Aviation on behalf of the United States of America to the City of Asheville in the sum of not to exceed $262,500.00, as an aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville of North Carolina.

Section 1. That the City of Asheville hereby accepts, on its own behalf, the offer of a grant of funds made by the Administrator of Federal Aviation on behalf of the United States of America dated June 19, 1959 to the City of Asheville in the sum, for the purposes and subject to the conditions set forth below.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of the Grant Offer in sextuple on behalf of the City of Asheville and Margaret Simmons, the City Clerk, is hereby authorized and directed to impress the official seal of the City of Asheville and to attest said execution.

Section 3. That the Grant Offer referred to herein above is as follows and when accepted shall constitute the Grant Agreement:

Department of Commerce
Civil Aeronautics Administration
Washington 25

GRANT AGREEMENT — Contract No. FA2-603

Part I - Offer

Date of Offer Jun 19 1959
Asheville Municipal Airport
Project No. 9-31-024-5903

TO: City of Asheville, North Carolina
(herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Administrator of The Federal Aviation Agency, herein referred to as the "Administrator")

WHEREAS, the Sponsor has submitted to the Administrator a Project Application dated May 14, 1959 for a grant of Federal funds for a project for development of the Asheville Municipal Airport (herein called the "Airport"), together with plans and specifications for such project, which Project Application, as approved by the Administrator, is hereby incorporated herein and made a part hereof; and

WHEREAS, the Administrator has approved a project for development of the Airport (herein called the "Project") consisting of the following described airport development:

Construct terminal building, including covered walkways, service area and utilities. (The airport development to be accomplished, herein described, is in addition to that contemplated or accomplished under Grant Agreements between the Sponsor and the United States for Projects Nos. 9-31-024-5801 and 9-31-024-5902.)

all as more particularly described in the property map and plans and specifications incorporated in the said Project Application;

NOW, THEREFORE, pursuant to and for the purposes of carrying out the provisions of the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Congress), and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application, and its acceptance of this Offer, as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the Airport, as herein provided,

THE ADMINISTRATOR, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share of costs incurred in accomplishing the project, 50 per centum of all allowable project costs subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be $262,500.00.

2. The Sponsor shall

   (a) begin accomplishment of the Project within a reasonable time after acceptance of this Offer, and

   (b) carry out and complete the Project in accordance with the terms of this Offer, and the Federal Airport Act and the Regulations promulgated thereunder by the Administrator in effect on the date of this Offer, which Act and Regulations are incorporated herein and made a part hereof, and

   (c) carry out and complete the Project in accordance with the plans and specifications and property map incorporated herein as they may be revised or modified with the approval of the Administrator or his duly authorized representatives.

3. The Sponsor shall operate and maintain the Airport as provided in the Project Application incorporated herein.

4. The maximum amounts of building space which the Sponsor shall be obligated to furnish civil agencies of the United States for the purposes and on the terms and conditions stated in Paragraph 9 of Part III of the Project Application, shall be as set forth in the attached schedule of maximum space requirements which is incorporated herein and made a part hereof.

5. Any misrepresentation or omission of a material fact by the Sponsor concerning the Project or the Sponsor's authority or ability to carry out the obligations assumed by the Sponsor

in accepting this Offer shall terminate the obligation of the United States, and it is understood and agreed by the Sponsor in accepting this Offer that if a material fact has been misrepresented or omitted by the Sponsor, the Administrator on behalf of the United States may recover all grant payments made.

6. The Administrator reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any of the allowable costs of the Project unless this Offer has been accepted by the Sponsor on or before June 30, 1959.

8(a) The Sponsor hereby covenants and agrees that it will not advertise for bids, award any contract or commence construction for the items of work to be accomplished under this project until it has submitted final plans and specifications satisfactory to the Administrator and such plans and specifications have been approved; and it is further understood that the United States will not make nor be obligated to make any payment for such items of work under this Grant Agreement until the Sponsor has submitted such plans and specifications and they have been approved as herein provided. The Sponsor further covenants agrees that it will submit said final plans and specifications to the Administrator on or before October 31, 1959.

8(b) It is mutually understood and agreed that the United States will not make final payment of the allowable costs of this project until the Sponsor has submitted satisfactory evidence that the airport approach areas as defined in Technical Standard Order N-18 and Office of Airports Drawing No. 814, both dated April 26, 1950, have been protected by the adoption of a zoning ordinance and regulations or by securing avigation easements or otherwise prohibiting the creation, establishment, erection or construction in such areas of airport hazards to the extend provided for in such Drawing or approved by the Administrator as sufficient in the case of this particular airport. It is further mutually understood and agreed that if the approach areas shall have been protected by the acquisition of avigation easements or other interests in land, the assumption of this obligation shall not operate to her inclusion of such acquisition in a subsequent project.

8(c) The terms "Administrator of Civil Aeronautics", "Administrator", "Civil Aeronautics Administration", "Department of Commerce" and "CAA" wherever they appear in this Agreement, in the Project Application, the plans and specifications, or in any other documents constituting a part of this Agreement, shall be deemed to mean the Federal Aviation Agency or the Administrator thereof, as the case may be.

8(d) The first sentence of Paragraph 3 of the Sponsor's assurances contained in Part III of the Project Application shall be considered amended by deleting the words "Section 303 of the Civil Aeronautics Act of 1938, as amended" and substituting therefor the words "Section 308(a) of the Federal Aviation Act of 1958 (72 Stat. 750)."

Thw Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and acceptance shall comprise a Grant Agreement, as provided by the Federal Airport Act, constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the Project, but in any event not to exceed twenty years from the date of acceptance.

UNITED STATES OF AMERICA
THE ADMINISTRATOR OF THE FEDERAL AVIATION AGENCY

By S/ L. C. Elliott
Regional Administrator, Region

Part II - Acceptance

The City of Asheville, North Carolina does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this 26 day of June, 1959.

CITY OF ASHEVILLE, NORTH CAROLINA
(Name of Sponsor)

(SEAL)
Attest: S/ Margaret Simmons

By S/ E. W. Eller

Title: City Clerk

Title Mayor

CERTIFICATE OF SPONSOR'S ATTORNEY

I, O. E. Starnes, Jr., acting as Attorney for City of Asheville, N. C. do hereby certify:

That I have examined the foregoing Grant Agreement and the proceedings taken by said City of Asheville, N. C. relating thereto, and find that the Acceptance thereof by said City of Asheville, N. C. has been duly authorized and that the execution thereof is in all respects due and proper and in accord with the laws of the State of North Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the City of Asheville, N. C. in accordance with the terms thereof.

Dated at Asheville, N. C. this 26th day of June, 1959.

S/ O. E. Starnes, Jr.

Title Corporation Counsel

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved and adopted, this 26 day of June, 1959.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #3 at page 496.

There being no further business, the meeting was upon motion adjourned.

E W Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 2, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 2, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, F. M. Mulvaney, T. B. Sumner, C. M. Preslar, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible]

Councilman Sumner discussed the summer uniforms worn by members of the Police and Fire Departments, and moved that the City Manager and Director of Public Safety look into the matter of providing short-sleeved uniforms if the members of said departments so desired, which motion was seconded by Councilman McRary, and unanimously adopted.

The City Manager advised that personnel meetings are held in these departments, and this matter would be taken up.

[illegible]

Councilman Sumner reported that a sewer line near Kimberly Avenue is overflowing and creating an unpleasant odor.

The City Manager said he would have the condition corrected.

[illegible] - SAFETY

Councilman Sumner reported that several accidents had occurred in which small children had fallen backwards from benches which the city places along shopping streets and asked if additional back-rest panels could be put on the benches to prevent such accidents.

The City Manager said he would investigate the matter.

[illegible] - APPOINTMENT
[illegible] JUDGE [illegible]
[illegible]

Councilman Mulvaney introduced a resolution appointing Substitute Judge of the Police Court of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 499.

[illegible] BOXING AND WRESTLING COMMISSION -
[illegible] APPOINTMENT OF MEMBERS. ([illegible]
[illegible]

Councilman Algary introduced a resolution appointing members of Boxing and Wrestling Commission for the City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously adopted. The Council was advised that Dr. Leon Feldman, a former member of the Board, had moved out of the City, and the City Clerk was instructed to write Dr. Feldman expressing the appreciation of the Council for his services.

Complete copy of resolution will be found in Resolution Book #3 at page 500.

ORDINANCE #413 - INTERIM APPROPRIATION ORDINANCE

Councilman McRary introduced Ordinance #413, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Preslar moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan, and unanimously adopted.

Ordinance #413, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman [illegible] seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance #413, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman [illegible] seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following [illegible]

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 413

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1959, to the date of the adoption of the 1959-60 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1958-59 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1959-60 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1959-60 Ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 2 day of July, 1959.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 2 day of July, 1959, to become effective 2 day of July [illegible]

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

[illegible]

Mr. Starnes advised the Council that he had received a model ordinance regulating the [illegible] of advertising posters on public and private property, and the distribution of handbills, and was [illegible] to prepare this ordinance for consideration by the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY [illegible]

Thursday, July 9, 1959 - 4:00 o'clock P. M. [illegible]

The City Council met in regular session Thursday, July 9, 1959, at 4:00 o'clock P. M. [illegible] E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. M. Preslar, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

POLICE AND FIRE DEPARTMENTS - SUMMER UNIFORMS

Councilman Summer again discussed the matter of summer uniforms for members of the Police and Fire Departments, and was advised that a report would be made on this matter.

ORDINANCE NO 414--AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60

Councilman McRary introduced Ordinance #414, being "AN ORDINANCE ADOPTING AND APPROP[illegible]

THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible]

The City Manager reported that the unpleasant odor on Kimberly Avenue was caused by a leaking gas main, and that same had been repaired.

[illegible]

Councilman Algary discussed the dog problem, and advised that investigation had revealed a statewide law which makes it a misdemeanor to allow dogs to run at large at night unless accompanied and provides a fine or imprisonment for violation of this provision, and also makes owner liable in damages to any person injured. Mr. Algary stated that publicizing this provision might do much toward getting better cooperation regarding this matter.

[illegible]

Mr. Erik Fris, President of the Board of Directors of Civic Arts Center, Inc., spokesman for a delegation from this organization, appeared before the Council with a request that this organization be considered as a user if the area between the City-County Plaza and the Crosstown Expressway is considered for a major urban redevelopment project, said area to be developed as a center for cultural activities.

Following a discussion, Councilman Morgan moved that this matter be referred to the Metropolitan Planning Board for study and recommendation, which motion was seconded by Councilman Mulvaney and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 16, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 16, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, C. M. Preslar, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

CHAMBER OF COMMERCE - [illegible] AND AGRICULTURE [illegible]

Councilman Algary called attention to the fact that the new budget includes an appropriation of $58,600 for the Asheville Chamber of Commerce, and noted that two agencies of the Chamber, the Industrial Council and the Agricultural Development Council work on a pretty marginal basis.

The City Manager advised that information received from the Chamber last May in connection with the request for city funds showed the Chamber's budget for the current calendar year totals $162,645, of which $132,825 is allocated to general Chamber activities including the Convention Bureau, promotion and advertising; $22,686 to the Industrial Council and $21,134 to the Agricultural Development Council.

Following a discussion by members of the Council, Councilman Algary moved that, recognizing the importance of the Industrial Council and the Agricultural Development Council to this community, and based on the budget requests submitted by the president of the Chamber of Commerce dated May 15, 1959, the City Council strongly recommends to the Board of Directors of the Chamber of Commerce that they assure the budget for the Industrial Council in the amount of $22,686 and the Agricultural Development Council in the amount of $21,[illegible] which motion was seconded by Councilman Morgan and unanimously adopted.

ORDINANCE #414 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60

Ordinance #414, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE #415 - AN ORDINANCE RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING OR PAINTING OF ADVERTISING OR INFORMATIONAL MATTER

Councilman Summer introduced Ordinance #415, being "AN ORDINANCE RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING OR PAINTING OF ADVERTISING OR INFORMATIONAL MATTER", which was, upon motion of Councilman Summer, seconded by Councilman Morgan, and after having been read in full, unanimously passed

on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible]

On the question of lighter-weight summer uniforms for city policemen and firemen the City Manager reported that conferences with the men have shown some interest, but that from an administrative standpoint it is too late to make changes this year. However, when summer uniforms are purchased next year both long and short sleeved shirts will be provided.

NORTH FORK WATERSHED - TIMBER

Councilman Sumner called attention to the fact that in the near future it will be necessary to build a new transmission line from the North Fork Watershed and suggested that the matured timber on the watershed could be sold to help defray this expense. Councilman Sumner stated he would like for the City Manager to consult with the proper authorities concerning harvesting this matured timber on the watershed and see if this could be done without detriment to the watershed.

The City Manager advised that this matter had been investigated some eight or ten years ago, but that he would be glad to bring back an up-to-date report.

There being no further business, the meeting was on motion adjourned.

MAYOR — CITY CLERK

Thursday, July 23, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 23, 1959, at 4:00 o'clock P. M., Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. M. Preslar, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

BARNARDSVILLE - REQUEST FOR ASSISTANCE

A communication was received from the Town of Barnardsville requesting any assistance the City of Asheville might give them in the planning and estimate of cost of developing a water system for Barnardsville.

The Council, being of the opinion that the City should cooperate in every way possible, authorized the City Manager to give this assistance.

CHAMBER OF COMMERCE - BUDGET - DISCUSSION

The Council discussed the budget of the Chamber of Commerce, and Councilman Sumner stated he thought the full proposed budget of the Chamber, including salary schedules, should be furnished to the City Council in advance of allocating city funds to support Chamber activities.

NORTH FORK WATERSHED - TIMBER - REPORT OF CITY MANAGER

The City Manager gave a brief report on the watershed timber project, referring to a 1[illegible] Forest Management Analysis for the Asheville Municipal Watershed prepared by the North Carolina Department of Conservation and Development, Division of Forestry, and Tennessee Valley Authority, Division of Forest Relations, which recommended such a program as beneficial to management of the watershed area, and set up a schedule for a ten year program on 3,500 acres of the watershed calling for cutting some 14,000,000 board feet of timber, and a second ten year phase which would triple the operation to produce some 40,000,000 board feet.

The City Manager emphasized the fact that any timbering operation is required to meet the sanitary requirements of the State Board of Health, and supported the recommendation that the city employ its own forester and conduct the timbering operation itself.

The City Manager further advised that the Town of Waynesville is now conducting an operation of this kind on its watershed, and that officials of Asheville have been invited to take part in an administration tour of the Waynesville Watershed and timbering operation on August 5th. Mr. Weir suggested that the City delay preparation of a formal application to the State Board of Health until after this tour.

ORDINANCE NO. 414 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60

Ordinance No. 414, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60, was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 414

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1959-60

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1959 and ending on June 30, 1960, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 270,554.00	
Law	23,332.80	
Finance	39,178.00	
Public Safety	1,063,766.84	
Libraries	115,206.50	
Public Works	879,169.81	
Parks and Playgrounds	147,149.00	
Civil Service	6,075.00	
Total General Operating Fund		$ 2,544,431.95

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	1,053.874.30	1,053,874.30

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	612,873.45	
Water Refunding Bonds	230,000.00	
New Water Bond Issue	195,713.00	
Estimated Airport Bond issue of 1957	120,788.00	
Total Debt Service Fund		1,159,374.45
TOTAL APPROPRIATIONS		$ 4,757,680.70

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning July 1, 1959 and ending on June 30, 1960 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 606,618.55
Other Revenues as follows:	
License & Privilege Taxes	170,100.00
Payment in Lieu of Taxes	400,000.00
Fees	61,350.00
Parking Meter Fees	76,000.00
Court Costs	60,000.00
Rents	73,000.00
Income from Parks	43,000.00
Miscellaneous	3,500.00
Contribution from State Rev. Dept.	50,000.00
Contribution from State St. Fund	225,000.00
Contribution from Housing Authority	10,000.00
Surplus from June 30, 1958 Balance Sheet	12,863.40
Contribution from ABC Stores	612,000.00
Riverside Cemetery	18,000.00
Current Year's Poll Tax and Taxes Other Than Current Year's Property Tax and Other Than Hereinbefore Itemized	123,000.00
TOTAL GENERAL OPERATING FUND	$2,544,431.95

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,053,874.30

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 733,661.45
Water and Other Charges from Water Department	425,713.00
TOTAL DEBT SERVICE FUND	$1,159,374.45
TOTAL ESTIMATED REVENUES	$4,757,680.70

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1959, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.6925
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.8375
Total rate per $100 of valuation of taxable property	1.53

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxa... of $87,600,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ag... of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Ta... Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing ap... priations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director o... Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city... funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance b... declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affe... thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passa...

I move the adoption of the foregoing ordinance, this 9th day of July, 1959.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 23 day of July, 1959, to become effective 23 day of July, 1959.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Upon motion of Councilman Sumner, seconded by Councilman Morgan, Ordinance No. 415, being "AN ORDINANCE RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING OR PAINTING OF ADVERTISING OR INFORMATIONAL MATTER", was unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, July 30, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 30, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, C. M. Preslar, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from John F. Shuford, attorney for Highland Hospital, requ... that Zillicoa Street from Montford Avenue to Broadway be closed as a public street.

This matter was referred to the City Manager to be placed in proper legal form for consi... tion by the Council.

A petition was presented on behalf of J. C. Dozier, Jr., requesting that 45 Montford Ave... known as Lot 98½, Sheet 2, Ward 3, be rezoned from residential district to Business District.

The Council referred this request to the Planning and Zoning Commission for study and ... mendation.

ORDINANCE NO. 415 - ... RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING OR PAINTING OF ADVERTISING OR INFORMATIONAL MATTER

Ordinance #415, being "AN ORDINANCE RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING...

PAINTING OF ADVERTISING OR INFORMATIONAL MATTER", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 415

AN ORDINANCE RESTRICTING AND REGULATING THE DISTRIBUTION, POSTING, OR PAINTING OF ADVERTISING OR INFORMATIONAL MATTER

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. It shall be unlawful for any person, firm or corporation to attach, place, post, paint, write, stamp, paste or in any manner to affix or to cause to be attached, placed, posted, painted, written, stamped, pasted or in any manner affixed any sign, advertisement, circular, bill or other matter upon any structure of a public or semi-public nature, including but not limited to, lamp posts, telegraph or telephone poles, electric light poles or supports, trees, fire hydrants, bridges or supports thereunder, pavement, sidewalk, buildings or any other structures or property belonging to the city. It shall also be unlawful for any person, firm or corporation to attach, place, paint, write, stamp, post, paste or in any manner to affix or cause to be attached, placed, posted, painted, written, stamped, pasted or in any manner affixed any sign, advertisement, circular, bill, or other matter to any privately owned property, including but not limited to, any house or part thereof, wall, fence or part thereof, post, tree or other structures without first obtaining written permission of the owner or his authorized agent so to do.

Section 2. Penalties. Any person, firm or corporation who shall violate any of the provisions of this ordinance, or shall fail to comply with the provisions hereof, shall be guilty of a misdemeanor, punishable by a fine not to exceed Twenty-five ($25.00) Dollars, and on each day this violation continues shall constitute a separate offense. On trial of any alleged violation of this ordinance, proof that a sign, advertisement, circular, bill or other matter was attached, placed, posted, painted, written, stamped, pasted or in any manner affixed on any place or structure referred to in Section 1 hereof shall be prima facie evidence that the same was done or caused to be done by the person, firm or corporation whose product, services, activity or function is publicized thereon.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall take effect and be in effect from and after fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 16 day of July, 1959.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted 30 day of July, 1959, to become effective 14 day of August, 1959.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

... CITY MANAGER'S ...

The City Manager reported that due to the Engineering Department being busy in connection with surveys for the proposed city extension, he had requested Mr. John C. Walker and Mr. William Wolcott to confer with officials of Barnardsville in regard to their request for assistance in developing a water system.

... APPLICATION ... HOUSING AND HOME FINANCE AGENCY, ... ADMINISTRATION ...

The City Manager discussed the possibility of developing a further source of water for Asheville and the Metropolitan area in the Pink Beds area of Pisgah National Forest, and advised that an application had been prepared to the Community Facilities Administration of the United States Housing and Home Finance Agency for a $198,513 advance loan to carry out the planning phase of the project.

Following a discussion, a resolution authorizing filing of application with the United States of America for an advance to provide for the planning of public works under the terms of Public Law 560, 83rd Congress of the United States, as amended, was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 501.

MERRIMON AVENUE - TRAFFIC

The Council discussed the traffic problem on Merrimon Avenue, and the City Manager advised that a further petition had been received requesting that parking be allowed. Councilman Algary suggested that channel lanes be painted on the street, but that restrictions on parking not be imposed at this time.

TELEVISION REPAIR - COMPLAINT

Mayor Eller reported that he had received complaints from several individuals regarding work performed by television repairmen and asking for city regulation of such work.

It was the consensus of opinion of the Council that the television industry itself should set standards for adequate repair work.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 6, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 6, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from Shulimson Brothers Company, Inc., requesting permission to establish their junk yard business on certain property along Meadow Road lying between the Southern Railway Roundhouse and Southern Railway Stockpens.

This request was referred to the City Manager for complete report and recommendation.

Councilman Morgan introduced a resolution electing members of the Planning and Zoning Commission of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 502.

Councilman Preslar introduced a resolution commending Miss Annie Westall as Chairman of the Library Board, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 503.

Councilman Morgan moved that a letter of appreciation be sent to Mayor Way of the Town of Waynesville thanking him and other officials who made possible the interesting and informative tour which the City Council made over the Waynesville watershed and timber operations, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 13, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 13, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, C. M. Preslar, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from Junius G. Adams requesting that the application of Shulimson Brothers Company to establish an automobile junk yard on certain property of the Southern Railway be postponed for 30 days in order to give interested property owners in vicinity an opportunity to present objections.

The City Manager also advised that his investigation and report was not yet complete.

A petition signed by the owner of certain property in Beaverdam Ward was presented requesting annexation by the City of Asheville.

The Council referred this petition to the City Manager for investigation and report, in order that the proper legal steps may be taken to consider the matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 20, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 20, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. McRary, C. M. Preslar, F. M. Mulvaney, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the Commission defer action on a request of J. C. Dozier, Jr. to rezone Lot 98½, Sheet 2, Ward 3 from Residential to Business.

August 12, 1959

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission defer action on a request of J. C. Dozier, Jr. to rezone Lot 98½, Sheet 2, Ward 3 from Residential to Business.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

A petition signed by property owners on Mimosa Drive was received requesting that both sides of Mimosa Drive be rezoned as Residential.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

A petition signed by property owners of Victoria Road was received protesting the proposed location of Shulimson Brothers Company off of Meadow Road between the Southern Railway shops and the stock pens.

Mr. Harold Bennett, attorney for Shulimson Brothers Company, advised the Council that he is preparing a map showing the existing industrial uses in the area, and requested the Council to delay a decision in this matter.

The City Manager advised that his report is still incomplete. No action was taken by the Council in this matter.

Councilman Morgan introduced a resolution of notice that Council will consider extension of corporate limits to include certain territory, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 504.

The following Resolution was introduced by Councilman McRary, seconded by Councilman Mulvaney, read in full, considered, and unanimously adopted:

Resolution accepting the Amendment No. 1 to Grant Agreement #C2ca-5944-A dated August 20, 1959 made by the Administrator of Federal Aviation Agency on behalf of the United States of America to the City of Asheville, as an aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville of North Carolina.

Section 1. That the City of Asheville hereby accepts, on its own behalf, the Amendment No. 1 to Grant Agreement #C2ca-5944-A made by the Administrator of Federal Aviation Agency on behalf of the United States of America dated August 20, 1959 to the City of Asheville for the purposes and subject to the conditions set forth below.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of the Amendment No. 1 to Grant Agreement #C2ca-5944-A in quintuple on behalf of the City of Asheville and Margaret Sumner, the City Clerk, is hereby authorized and directed to impress the official seal of the City of Asheville and attest said execution.

Section 3. That the Amendment No. 1 to Grant Agreement #C2ca-5944-A referred to herein above is as follows:

FEDERAL AVIATION AGENCY
REGION 2
Fort Worth, Texas

Page 1 of 2 Pages

Contract No. C2ca-5944-A
Asheville Airport
Asheville, North Carolina
Project No. 9-31-024-5902

AMENDMENT NO. 1 TO GRANT AGREEMENT

WHEREAS, the Regional Administrator for Region 2 of the Federal Aviation Agency (hereinafter referred to as the "Regional Administrator") has determined it to be in the interest of the United States of America that the Grant Agreement between the Administrator of Civil Aeronautics, acting for and on behalf of the United States, and the City of Asheville, North Carolina (hereinafter referred to as the "Sponsor"), accepted by the Sponsor on the 31st day of July 1958, relating to the Asheville Airport, Project No. 9-31-024,5902, be amended as hereinafter provided.

NOW THEREFORE, WITNESSETH:

That, in consideration of the benefits to accrue to the parties hereto, the United States of America, on the one part, and the Sponsor, on the other part, do hereby mutually agree that the said Grant Agreement shall be and hereby is amended by revising the description of the Project as set forth in the second paragraph, Page 1, of the Grant Agreement to read as follows:

> "Prepare site; construct NNW/SSE runway 6500' x 150', apron, parallel and connecting taxiways; relocate Fanning Bridge, Boiling Springs and Buck Shoals Roads; perform pavement marking."

It is understood and agreed that the maximum amount of the obligation of the United States payable under said Grant Agreement shall not be increased by this Amendment.

It is further understood and agreed that the terms "Administrator of Civil Aeronautics", "Administrator", "Civil Aeronautics Administration", "Department of Commerce", and "CAA", wherever they appear in the said Grant Agreement or the Project Application, plans and specifications and any other documents constituting a part of the said Grant Agreement, shall be deemed to mean the Federal Aviation Agency or the Administrator thereof, as the case may be.

The first sentence of Paragraph 3 of the Sponsor's assurances contained in Part III of the Project Application shall be considered amended by deleting the words "Section 303 of the Civil Aeronautics Act of 1938, as amended" and substituting therefor the words "Section 308(a) of the Federal Aviation Act of 1958 (72 Stat. 750)".

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the said Grant Agreement to be duly executed of the 20 day of August, 1959.

UNITED STATES OF AMERICA

By S/ L. C. Elliott
Regional Administrator, Region
Federal Aviation Agency

(SEAL)
Attest: S/ Margaret Simmons

Title: City Clerk

CITY OF ASHEVILLE, NORTH CAROLINA

By S/ E. W. Eller

Title Mayor

CERTIFICATE OF SPONSOR'S ATTORNEY

I, O. E. Starnes, Jr., acting as Attorney for City of Asheville (hereinafter called the "Sponsor"), do hereby

That I have examined the foregoing Amendment to Grant Agreement and the proceedings taken by the Sponsor relating thereto and find that the acceptance thereof by the Sponsor has been duly authorized, that the execution thereof is in all respects due and proper and in accordance with the laws of the State of North Carolina, further that, in my opinion, said Amendment to Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Asheville, N. C., this 20 day of August, 1959.

S/ O. E. Starnes, Jr.

Title Corporation Counsel

I move the adoption of the foregoing resolution.

S/ J. W. McRary
COUNCILMAN

SECONDED BY: S/ Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 20th day of August, 1959.

S/ E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

S/ Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 3 at page 505.

RE

Councilman Preslar introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously

Complete copy of resolution will be found in Resolution Book 3 at page 507.

Mr. R. M. Baylor appeared before the Council and requested information as to what steps could be taken to include the portions of county school districts lying in the area proposed for annexation in the Asheville School District if annexation wins in the election.

Mr. Starnes advised of the statutory procedures for bringing the areas into the Asheville School District in separate and later elections if voters of the new sections so decree.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 27, 1959--4:00 o'clock P. M.

The City Council met in regular session Thursday, August 27, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, W. F. Algary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that he has had several conferences in connection with the request of Shulim- Brothers to establish their junk business along Meadow Road, and hopes to have the matter before the Council in a reasonable time.

The City Manager advised that as required by H. B. No. 1058, entitled "AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, SUBJECT TO A REFERENDUM ELECTION", the County Board of Elections had certified the results of the election held on Tuesday, August 25, 1959, showing a total of 6,233 for annexation and 3,778 against annexation.

ABSTRACT OF VOTES

Cast at an Election to extend the corporate limits of the City of Asheville on August 25th, 1959, showing the votes cast for and against Proposed Extension of City Limits.

PRECINCT	Proposed Extension of City Limits FOR	AGAINST
1. Asheville No. 1	246	27
2. Asheville No. 2	129	24
3. Asheville No. 3	158	23
4. Asheville No. 4	384	56
5. Asheville No. 5	645	95
6. Asheville No. 6	227	51
7. Asheville No. 7	238	24
8. Asheville No. 8	219	51
9. Asheville No. 9	147	15
10. Asheville No. 10	28	10
11. Asheville No. 11	268	14
12. Asheville No. 12	146	27
13. Asheville No. 13	53	16
14. Asheville No. 14	275	80
15. Asheville No. 15	260	31
16. Asheville No. 16	349	37
17. Asheville No. 17	292	44
18. Asheville No. 18	99	39
19. Asheville No. 19	334	40
20. Asheville No. 20	205	53
21. Asheville No. 21	233	48
22. Asheville No. 22	373	81
23. Asheville No. 23	496	96
24. Asheville No. 24	145	30
25. Beaverdam	25	179
26. Haw Creek	135	1172
27. Hazel No. 1	10	109
28. Hazel No. 2	13	260
29. Oakley	42	813
30. Woodfin	39	233
TOTALS	6233	3778

State of North Carolina, Buncombe County

The County Board of Elections for said County, having opened, canvassed, and judicially determined the original returns of the Proposed Extension of City Limits Election in the several precincts in this county, held as above stated, we do hereby certify that the above is a true abstract thereof.

This 27th day of August, 1959.

S/ Clyde W. Bradley

S/ E. Webb Ellis

S/ W. Kelly Roberts
County Board of Elections

State of North Carolina,
Buncombe County.

This day personally appeared before me, Clyde W. Bradley, Chairman of the County Board of Elections, who, being duly sworn, says that the abstract of votes herein contained is true and correct, according to the

returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal, this 27th day of August, 1959.

S/ Lenoir H. Swicegood
(SEAL)

My commission expires: 4-21-60

The City Manager pointed out that the law requires the City to establish the new boundary li... and erect permanent markers, which work is now under way. The law further makes it permissive for the city to ... nish municipal services in the new areas prior to July 1, 1960, and that said services must begin on said date, ... the city administration expects to get some of the services going before said date. The Council will be kept ...

Councilman Algary discussed the dog problem, and stated that further publicity might be helpf... in pointing out to the owners of dogs their responsibilities.

Mrs. Eva Miller, spokesman for a delegation of mothers from the Queen Carson area, appeared be... the Council and advised that since Queen Carson School has been closed by the School Board children in this are... required to go to William Randolph School, which is some eight blocks north of this area. Mrs. Miller said tha... many mothers of new first graders in the area are keeping their children out of school rather than face traffi... in the mile long walk to William Randolph, and that there is no bus transportation available. School official... advised the group that they could do nothing to help.

The City Manager told the Council that he believed it would be possible to arrange with White ... portation Co to furnish the needed transportation at the regular school rate of 10 tickets for 75 cents, and th... cil requested Weir to make immediate arrangements with the White firm or any other available line to provide th... vice.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY ...

Thursday, September 3, 1959 - 4:00 o'clock P. ...

The City Council met in regular session Thursday, September 3, 1959, at 4:00 o'clock P. M. wit... Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, F. ... Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the pr... zoning remain in effect on both sides of Mimosa Drive.

September 2, 1959

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

The matter was considered and motion was passed that the present zoning remain in effect.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

A communication was received from the Metropolitan Planning Board advising that at its meeti... September 2nd a resolution was passed requesting the Council to ask for the study and recommendations of the ... Planning and Zoning Commission concerning the zoning of areas adjacent to the expressway.

The Council referred this request to the Planning and Zoning Commission for study and recom... tion.

METROPOL... A...
RE... OF ...
RIGHT-OF-WAY ... ZONE ...
FOR PUBLIC USE

A communication was received from the Metropolitan Planning Board advising that at its mee... September 2nd a resolution was passed requesting the Council to ask the North Carolina State Highway Commis... it dedicate to public use any excess right-of-way it has acquired and will not be used for expressway purpo...

The Council instructed the City Manager to follow through on this request, and negotiate the matter ... the State Highway Commission.

The City Manager reported that with the full cooperation of White Transportation Company and Mr. ... Graham, principal of William Randolph School, bus transportation for school children had been arranged and ser... started on Monday, August 31st, to carry children from Queen Carson School to William Randolph School as requested.

The City Manager presented the audit report for the City of Asheville for the period ending June 30, ...

The City Manager in referring to providing service to any annexed area called the attention of the Council ... the fact that in order to start services early next year and not later than July 1, 1960 it is necessary for the Council ... establish a policy in regard to fire service, in order to locate two new fire stations in the territory which they will ...

Following a discussion Councilman Preslar presented a statement of policy as follows:

Effective January 1, 1960 it is to be the policy of the Asheville Fire Department to dispatch men and fire fighting equipment only to the City of Asheville and the area annexed in the special election held on August 25, 1959.

This statement of policy is issued at this time so that all concerned may have an opportunity to adjust before the effective date.

No exception is to be made except where there is a mutual aid agreement with bona fide approved fire departments.

Administrative officials of the City of Asheville are directed to order 2 new fire trucks for delivery as soon as possible, and administrative officials of the City of Asheville are further directed to negotiate with the North Carolina Fire Insurance Rating Bureau for approved locations for establishing sub-fire stations in the Oakley and Beverly Hills sections of annexed area, and to recommend to this Council a plan for securing such locations.

Asheville at the present time enjoys a Class Four rating as established by the North Carolina Fire Insurance Rating Bureau, and in order to maintain this classification it becomes necessary to establish this policy.

The matter was discussed further and Councilman Morgan asked that there be added to the first paragraph following:

"and additional areas as annexed to the City of Asheville as provided by state law."

Councilman McRary suggested that action be deferred in this matter for a week, in order to give the pub... notice, and Councilman Morgan concurred in this suggestion.

Councilman Sumner inquired if the special fire patrol was in effect at Grace School, and was advised that ... provements recommended by the Building Inspector had been completed at said school, and that the special patrol would be ... into effect with the beginning of the heating season.

Following the full discussion Councilman Preslar moved that the above statement of policy with the amend... be adopted, which motion was seconded by Councilman Sumner, and adopted, with Councilman Morgan refraining from ... ing.

... OF GOVERNOR -
... OF STATE AS
... OF CITY

Mr. William E. Greene, president of the Junior Chamber of Commerce, presented a request that the young ... chosen as "Miss Asheville" on Saturday night in the City Auditorium be designated the city's official hostess for ... coming year.

Upon motion of Councilman Algary, seconded by Councilman Morgan, it was resolved that Miss Asheville, ... ted on September 5, 1959 in the Miss Asheville Pageant sponsored by the Asheville Junior Chamber of Commerce, be and ... is hereby designated and authorized to serve as the official hostess of the City of Asheville during the forthcoming ...

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, September 10, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 10, 1959, at 4:00 o'clock P. M. with Mayor ... Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, C. M. ... ler, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

... STREET - CLOSING -
... HEARING

The Mayor announced that this is the date set for the public hearing on the proposed closing of Zillicoa ... as a public street as requested by Highland Hospital.

There being no objection to the closing of said street, Councilman Mulvaney introduced a resolution closing Zillicoa Street as a public street of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 508.

The City Manager presented the Audit Report for the Sinking Fund Commission for Buncombe County for the period ending June 30, 1959.

A communication was received by the Civil Service Board submitting for the approval of the Council the following Amendment to Rule #4 - Age Requirements, Police and Fire Departments:

"That the age limit in the Fire Department remain the same, but that the Police Department age limits be changed to read: 'the applicant must have reached his 25th birthday and not have reached his 34th birthday.'"

Councilman Preslar moved that the above amendment be approved, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager, in reporting upon the request of Shulimson Brothers to establish their junk business along Meadow Road, advised that this property is zoned Industrial, which permits a use of this kind, and that there are ample city ordinances to cover this type of operation, including smoke control and fences.

Following a discussion, Councilman McRary moved that the request be approved, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Sumner introduced a resolution authorizing Mayor to execute an agreement with Helen B. Alcock and husband, Charles H. Alcock, determining the right-of-way for water transmission lines across the property of said Alcock and husband, which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 509.

State of North Carolina,
County of Buncombe.

THIS AGREEMENT, made and entered into this the 30th day of July, 1959, by and between the CITY OF ASHEVILLE, a municipal corporation of Buncombe County, North Carolina, party of the first part, and HELEN B. ALCOCK and husband, CHARLES H. ALCOCK, of Dade County, Florida, parties of the second part,

W I T N E S S E T H:

THAT,WHEREAS, the parties of the second part are the owners of that certain tract of land, lying on the East side of the Bee Tree paved Road, in Swannanoa Township, Buncombe County, North Carolina, as described and conveyed in the deed dated April 1st, 1959, from Signa McCall Plemmons et vir. et als. to the said parties of the second part, and which deed is duly of record in the office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 813 page 323 of the Buncombe County Records, to which reference is hereby made; and

WHEREAS, the party of the first part has previously installed and constructed a 24-inch water line and other water lines, which run over and across said property above described from the Bee Tree Road to the East line of the property of the parties of the second part; and

WHEREAS the parties have hereto agreed, each with the other, to establish the right-of-way of the City of Asheville for said 24-inch water pipe line and other lines that have been installed and others to be laid over and across said property, in order that said right-of-way may be definitely established; and

WHEREAS, the parties of the second part have caused to be platted the property belonging to them and above referred to, and embracing the right-of-way hereinafter described for said 24-inch water pipe line and other water lines, said plat being of record in the office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 31 at page 33.

NOW, THEREFORE, for and in consideration of the sum of One Dollar ($1.00) paid to each of the parties hereto by the other, the receipt of which is hereby acknowledged, and the further consideration of the benefits and burdens hereinafter accruing to the said parties hereto under the terms of this agreement, each of the parties to this agreement have mutually agreed with the other that the established right-of-way for a perpetual right-of-way easement for said water pipe lines hereinbefore referred to shall be, and is, described as follows:

Lying and being in Swannanoa Township, Buncombe County, North Carolina, on the Northeast side of the Bee Tree paved Road, and described as follows:

BEING a strip of land extending parallel to and 20 feet North of the existing water lines on said property and 20 feet south of the existing water lines on said property from the East margin of the Bee Tree Road Easterly to the East line of the property belonging to the parties of the second part. Said right-of-way being laid down and shown on the Plat of section 1 of the Bee Tree Heights property which said Plat is duly of record in the office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 31 at page 33 to which said Plat reference is hereby made.

Saving and excepting a small portion located at the Northwest corner of the above described right-of-way which said portion is owned by the City of Asheville in fee simple and is included herein only for the purposes of description.

It is further agreed that the party of the first part, its grantees, agents, servants and employees, shall have and hold said right-of-way, easement, privilege, power and authority, together with the right-of-way for ingress, egress and regress forever to, from and over said proposed pipe line or lines and to said pipes, gates, blowoffs and fixtures for the purpose of excavating the trenches for laying the same, and for laying, repairing, maintaining, placing, replacing, locating, relocating, renewing or removing the same or any of them, at the pleasure of the party of the first part, its successors, grantees and assigns, at any and all times, and with the right at all times to pass and repass on foot or with vehicles of all kinds, and to make such rules and regulations and to enforce the same by penalties or otherwise, as may be deemed necessary, convenient or prudent for the protection of or for preventing all persons or animals from interfering with said pipe lines, gates, blowoffs or fixtures used in connection therewith on said premises.

It is further agreed that the parties of the second part, their successors or assigns, shall not place or permit to be placed upon said right-of-way any dwelling or structure of any kind or description.

It is further agreed that the parties of the second part, their heirs and assigns, shall have the right to use the area described in the aforesaid right-of-way for ingress, egress and regress and across the same with roads and utilities, but it is agreed that such crossing shall not interfere with the reasonable use of the property of the party of the first part, its successors and assigns.

The party of the first part does hereby relinquish, bargain, sell and forever quit-claim any right, title, interest, claim or demand unto the parties of the second part, their heirs or assigns, of any and all interest whatsoever in and to the property belonging to the said parties of the second part and described in that certain deed recorded in deed book 813 at page 323 of the Buncombe County records, to which reference is hereby made, EXCEPT, HOWEVER, the portion covering the right-of-way for said 24 inch water line and the other water lines above referred to, as may be hereinafter laid, and that said right-of-way is now definitely established between the parties to this agreement, as shown on said plat hereinabove referred to.

It is understood and agreed between the parties hereto, that this agreement shall be binding on all of the parties to this agreement, their respective heirs, successors, administrator and assigns, each to the other, and this right-of-way, as described by recorded plat above, and also as shown on the plat herein referred to, shall be binding on any and all present or future owners of said property.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed in its name by its Mayor, attested by its Clerk-Secretary, and its corporate seal to be hereto affixed, all by authority duly given, and the said parties of the second part have also hereunto set their hands and seals, this the day and year first above written.

THE CITY OF ASHEVILLE

By S/ E. W. Eller (SEAL)
MAYOR
Party of the First Part

_____ (SEAL)

_____ (SEAL)
Parties of the Second Part

NTY

S/ Margaret Simmons
CLERK-SECRETARY
AL)

TE OF NORTH CAROLINA,
NTY OF BUNCOMBE.

I, a Notary Public of said State and County, certify that Margaret Simmons personally came before me this day and acknowledged that she is Clerk-Secretary of the CITY OF ASHEVILLE, a municipal corporation, and that by authority duly given, and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by herself as its Clerk-Secretary.

WITNESS my hand and Notarial Seal, this the 11 day of Sept., 1959.

COMMISSION EXPIRES:
pt. 16, 1960
al)

S/ Lillian Ducker
NOTARY PUBLIC

TE OF FLORIDA,
NTY OF DADE.

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that this day personally appeared before me HELEN B. ALCOCK and husband, CHARLES H. ALCOCK, and acknowledged the execution by them of the foregoing instrument for all the purposes therein expressed

WITNESS my hand and Notarial Seal, this the _____ day of _____, 1959

COMMISSION EXPIRES:

_____
NOTARY PUBLIC

PORT TERMINAL BUILDING -
ERTISEMENT FOR BIDS
CHEDULED

The City Manager advised that he had received a letter from Mr. Wm. W. Johnson, Jr., District Airport Manager of the Federal Aviation Agency stating that the review of the plans and specifications for the construction of the Airport Terminal Building had been completed and said plans satisfactory for the purpose of advertising, and authorizing the city to advertise for bids for said work.

Following a discussion, Councilman McRary introduced a resolution authorizing City Manager to advertise for bids for construction of a Terminal Building and appurtenant work thereto at the new Asheville Airport, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 510.

Councilman Algary discussed the program of slum clearance as a means of crime prevention, and a speedup in this program, and the other members of the Council concurred in this expression.

The City Manager advised that the building inspector's office is very active, and that this ... sion by the Council will be an added incentive to the work. Mr. Weir also pointed out that the Urban Reneval ... sion is charged with carrying out major slum clearance projects, and is now working on this program.

The City Manager further stated that stepped-up requests for additional street lights are be... as rapidly as possible, and that the police have been ordered to be alert in picking up loiterers.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, September 17, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 17, 1959, at 4:00 o'clock P. M. ... E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulv... and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition was received requesting the rezoning of property along a public alley paralleling ... Avenue north of Clairmont Avenue from Residential District to Neighborhood Trading Area.

The Council referred this request to the Planning and Zoning Commission for study and recom...

Communications were received from Mrs. Wm. Ray Smith and Mrs. C. P. Bennett complaining of un... dogs frightening children, destroying gardens and shrubbery and upsetting garbage cans, and urging the Council ... enact an ordinance requiring dog owners to keep their pets confined or leashed.

The City Manager pointed out that authority for dog control here rests in the County Health ... ment and that an allocation for dog control is included in the current county budget, but that at present the ... dog control regulation the Health Department can invoke is a statewide law which does not cover the problem o... erly licensed but uncontrolled dogs.

The City Manager further advised that the Health Department has power to enact a dog control ... nance, and stated he believed the city and health officials could work out an ordinance which would be zoned ... strict dog control in urban areas and more liberal controls in rural sections.

Following a discussion, Councilman Sumner moved that the City Manager be instructed to cont... County Health Department and see if something can be worked out, which motion was seconded by Councilman Alg... unanimously adopted.

The City Manager presented the budget statement showing the budget position of the city for ... period ending August 31, 1959

Mr. Charles W. Hendrix presented a petition requesting that his property in Haw Creek Towns... is bisected by the new city boundary line be excluded from the city limits.

The City Manager advised that this is one of several petitions which have been received, an... all petitions will be presented to the Council for action when the survey has been completed and it is certa... the properties in question actually are bisected by the new line.

Councilman Sumner asked the City Manager to point out to all property-line petitioners that ... sion of their property will mean loss of fire protection under a recently adopted city policy stopping all ... Department runs at the city limits as of January 1st.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, September 24, 1959 - 4:00 o'clock ...

The City Council met in regular session Thursday, September 24, 1959, at 4:00 o'clock p. m. ... Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, J. W. McRary, ... Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

DOGS

A communication was received from Mr. Bill Hawkins questioning the need of a fence-leash l... dogs.

The City Manager advised that he is continuing conferences with Dr. H. W. Stevens, County ... Officer, to determine the form of a dog control ordinance and enforcement methods.

Councilman McRary introduced a resolution advising the North Carolina State Highway Commission gen... ...ily as to the position of the City of Asheville regarding the proposed interstate highways and interchanges of ... ...m with existing highways, which was seconded by Councilman Mulvaney.

The City Manager advised that the State Highway Commission is conducting a public hearing on Wed... ...day, September 30th, in regard to this matter and that members of the Council and the public as a whole are in... ...ted to attend the hearing. The City Manager further advised that the recommended interchanges were prepared by ... John Hampton, Metropolitan Planning Board director, and Mr. John C. Walker, engineer.

In discussing the matter, Councilman Algary stated emphasis should be placed not only on highway ... ...to outlying areas, but how the highways will serve people in the City of Asheville.

The City Manager advised that the Origin and Destination Survey made a year ago by the State Highway ... ...rtment is a part of the planning for the highways under discussion.

Following the discussion the resolution was unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 511.

The City Manager advised that today is the day set for the public hearing on the request of R. P. ... ...h that certain of his property be annexed to the City of Asheville, and notice having been published as required ... ...Law, Councilman Morgan introduced Ordinance No. 416, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY ... ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which ordinance was seconded by Councilman Sumner.

There being no objection, said ordinance was unanimously passed on its first reading with the fol... ...ing vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the deadline for bisected property owners to petition for the removal ... their property from the new city boundaries is November 1, 1959.

The City Manager advised that the 50th Annual Convention of the North Carolina League of Municipali... ...s would convene in Asheville on September 27th, 28th and 29th, and he would like for the Council members and their ... to participate in as many events as possible.

Mr. Carl Logan, spokesman for a group of motel owners in West Asheville, appeared before the Council ... ...k if proposed highway construction plans would include widening of Haywood Road (U. S. 19-23) between the end of ... ...ue Avenue Extension and the city limits.

The City Manager advised that this project is a city responsibility and that efforts will be made to ... ...dule the work during 1960.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, October 1, 1959 - 4:00 o'clock p. m.

The City Council met in regular session Thursday, October 1, 1959, at 4:00 o'clock p. m. with Mayor ... ...E. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, C. M. Preslar, T. B. Sumner, W. F. Algary, ...F. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 416, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING ... ...PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its sec... ...reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner recalled that safety inspectors of the Fire Department were instructed some six ... ...ago to make safety inspections of all churches in the city, and asked what steps had been taken to get compli... ...with inspection recommendations.

The City Manager advised that all fire hazards found in the checks have been reported to the governing ... ...of the churches concerned, and the churches are making efforts to correct the problems.

The City Manager gave a brief report of the recent convention of the North Carolina League of Municipalities held in Asheville.

Elmore & Martin, attorneys for Mrs. Henrietta Leiter, presented a claim for damages for personal injuries in the amount of $5,000.00, which was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

N O T I C E

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

You will please take notice that the undersigned, Henrietta Leiter, of Asheville, North Carolina, by and through her attorneys, Elmore & Martin, Law Building, Asheville, North Carolina, pursuant to the Charter Ordinances of the City of Asheville, hereby claims and demands damages of the City of Asheville as the result of personal injuries sustained by her on the 4th day of September, 1959 on a public street in said city by stepping in a hole in the cross-walk on Asheland Avenue immediately North of the intersection of Asheland Avenue and Hillside causing Mrs. Leiter to fall and fracturing her left humerus and causing other sprains and abrasions to her rest her disabled and causing her to lose time from her employment and causing her to incur hospital and doctor bills at least the sum of One Hundred and Fifty ($150.00) Dollars, and inflicting pain and suffering upon her with the bable result of some permanent damage to her left arm; that the City of Asheville was negligent in failing to its street and cross-walk in proper repair and allowing a dangerous hole and break in the surface of said street remain without any warning to the travelling public; that Mrs. Henrietta Leiter has been damaged in the amount at least Five Thousand ($5,000.00) Dollars and respectfully presents her claim in said amount and requests the ment of the same.

ELMORE & MARTIN

By S/ Harry C. Martin
Attorneys for Mrs. Henrietta Leiter.

The City Manager reported on the recent meeting held by the State Highway Commission on the proposed interstate highways and proposed interchanges, and advised that the Commission was favorable toward the quests and recommendations of the Council, and was impressed with its leadership and the attendance at said hearing.

Reporting on conferences with Dr. H. W. Stevens, County Health Officer, in regard to the dog lem, the City Manager said Dr. Stevens has informed him that the County Health Department cannot adopt a dog ordinance unless it is uniform and countywide. Therefore, it will be necessary for the Council to pass its control ordinance and provide for its enforcement, and that such an ordinance will be prepared within the next weeks and presented to the Council for consideration.

Councilman McRary stated that he thought the county should pay a part of the city control and the City Manager pointed out that part of enforcement expenses would be met through sale of city dog lic and that the county would continue to enforce the rabies vaccination law in the city.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, October 8, 1959 - 4:00 o'clock p. m.

The City Council met in regular session Thursday, October 8, 1959, at 4:00 o'clock p. m. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by 100 residents of the area around the Merrimon Avenue-King Street intersection was received requesting changes at the intersection to make safer visibility for drivers entering Merrimon Avenue from King Street.

The Council referred this request to the City Manager to negotiate with property owners for the sion to remove obstructions to visibility.

The Council received a resolution of the Metropolitan Planning Board of the City of Asheville and Buncombe County recommending certification of redevelopment area, and certification of said area by the City of Asheville Planning and Zoning Commission.

RESOLUTION OF THE
METROPOLITAN PLANNING BOARD
OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY
RECOMMENDING CERTIFICATION OF
REDEVELOPMENT AREA

WHEREAS, the Council of the City of Asheville has requested the Metropolitan Planning Board's consideration of a possible Redevelopment Area generally bounded by College and Woodfin Streets on the south; Spruce, Market, and Broadway on the west; the Crosstown Expressway and Orchard Street on the north; and Woodfin Place and College Street on the east; and

WHEREAS, a duly appointed committee of the Metropolitan Planning Board has examined and studied the area, and has compiled data on its present condition and its potential; and

WHEREAS, said committee has found the predominantly residential area to be blighted, and considers substantial redevelopment within the area essential to the welfare of the City of Asheville; and

WHEREAS, it is the unanimous recommendation of said committee that the Metropolitan Planning Board seek the certification of said area as Asheville's First Redevelopment Area:

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Board of the City of Asheville and Buncombe County request the City of Asheville Planning and Zoning Commission to certify said area as a Redevelopment Area, pursuant to the Urban Redevelopment Law of 1951, as amended.

CERTIFICATE OF RECORDING OFFICER

THE UNDERSIGNED HEREBY CERTIFIES, AS FOLLOWS:

1. That he is the duly qualified and acting Secretary of the Metropolitan Planning Board of Asheville and Buncombe County, herein called the "Board", and the keeper of the records of the Board including its journal of proceedings;

2. That the attached is a true and correct copy of a Resolution recommending certification of a redevelopment area, adopted at a meeting of the Board held on October 7th, 1959 and duly recorded in his office;

3. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law due and proper notice of such meeting was given; and that a legal quorum was present throughout the meeting;

4. That the Board does not have an official seal and is not legally required to have one;

5. That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this 8th day of October, 1959.

S/ Anthony Redmond
Anthony Redmond
Secretary

REDEVELOPMENT AREA NO 1

DESCRIPTION OF AREA

Beginning at the northeast corner of College and Spruce Streets, thence along the west side of Spruce Street in a northerly direction to Walnut Street, thence along the south side of Walnut Street in a westerly direction to the property line separating parcels between Spruce and Market Streets, extended, thence along said property line in a northerly direction to Woodfin Street, thence along the south side of Woodfin Street in a westerly direction to the west side of Broadway, thence along the west side of Broadway in a northerly direction to the south boundary of the Crosstown Expressway, thence along the south boundary of said expressway in an easterly direction to the west side of Central Street, thence along the west side of Central Street in a northerly direction to the north side of Orchard Street, thence along the north side of Orchard Street in an easterly direction to the east side of Woodfin Place, extended, thence along the east side of Woodfin Place,extended, in a southerly direction to the south boundary of the Crosstown Expressway, thence along the south boundary of said expressway in an easterly direction to College Street Extension Street, thence along the south side of College Street in a westerly direction to the City-County Plaza, thence along the centerline of said Plaza in a southerly direction Two Hundred Fifty (250) Feet, more or less, thence ninety degrees (90deg.) in a westerly direction to the West side of Market Street, thence along the west side of Market Street in a northerly direction to the north side of College Street, thence along the north side of College Street in an easterly direction to the northwest corner of College and Spruce Streets, the point of beginning.

FINDINGS

The City of Asheville Planning and Zoning Commission has examined and studied this area and has reviewed the recommendations of the Metropolitan Planning Board of the City of Asheville and Buncombe County. Pursuant to G.S. 160-456(a) of the Urban Redevelopment Law of 1951, as amended, the City of Asheville Planning and Zoning Commission finds more than two-thirds of the number of buildings in the area have one or more of the following characteristics:

a. dilapidated
b. deteriorated
c. obsolescent
d. inadequate provision for ventilation, light, air, sanitation, or open spaces
e. unsanitary or unsafe conditions
f. conditions which endanger life or property by fire or other causes
g. high density of population and overcrowding

CONCLUSION

Based on the above findings, the City of Asheville Planning and Zoning Commission concludes that the area is blighted and that it constitutes a Redevelopment Area.

CERTIFICATION

The City of Asheville Planning and Zoning Commission certifies that the area above described is a Redevelopment Area within the meaning of the Urban Redevelopment Law of 1951, as amended.

CITY OF ASHEVILLE PLANNING & ZONING COMMISSION

By S/ James M. Coleman
James M. Coleman
Chairman
October 7, 1959

Members of the Metropolitan Planning Board and Mr. John Hampton, Planning Director, were pres... answer questions concerning this matter.

Following a discussion, Councilman Sumner moved that this matter be referred to the Urban Re... ment Commission for study and recommendation, which motion was seconded by Councilman McRary and unanimously a...

Ordinance No. 416, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ...ING CERTAIN PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 416

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Ashev... signed a petition requesting the governing body of the City of Asheville to annex such territory, which petiti... file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in... paper in Buncombe County with a general circulation in the City of Asheville describing by metes and bounds the... tory to be annexed, thus notifying the owner or owners of the property located in such territory that a session... legislative body of the City of Asheville will meet on the 24th day of September, 1959 for the purpose of consi... the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it... should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract... tracts of land hereinafter described; and

WHEREAS, Article 36 of Chapter 160 of the General Statutes of the State of North Carolina prov... the authority and procedure for the extension of corporate limits such as herein done;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and ...ed by hereby annexing the territory and property described as follows:

In Buncombe County, North Carolina, BEGINNING at a stake in the southeast corner of the property formerly own... Fred Harroff, which property is located at the intersection of North Griffing Boulevard and Sunset Drive, and ... thence with the southern line of said Harroff property North 76 deg. 45' West to the limits of the City of Ash... as established in 1929, and running thence in a southerly direction with the said city limit line to the poin... the same crosses the north line of the Sunset Mountain Properties, and running thence with the northern line ...set Mountain Properties South 89 deg. 48' East 450 feet to a stake, and running thence in a straight line in ...therly direction to the BEGINNING; and being a portion of Lots 3 and 3½, Sheet 5, Beaverdam Ward, and parts ... Sheets 28 and 35, Beaverdam Ward.

Section 2. That from and after the effective date of this ordinance the territory herein an... and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the ... of Asheville, and shall be entitled to the same provisions and benefits as other parts of the City of Asheville... the annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective ... this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of ... annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Re... of Deeds of Buncombe County, North Carolina and in the office of the Secretary of State of State of North Car...

Section 4. That this ordinance shall become effective fifteen days from date of final passa...

I move the adoption of the foregoing ordinance, this 26 day of September, 1959.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Summer
COUNCILMAN

Read, approved and adopted, this 8 day of October, 1959, to become effective 23 day of Octo...

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager explained an agreement with Warren Wilson College granting said college ... rates in exchange for a mile long 20 foot right-of-way across college property in Swannanoa Township to be ... the city's projected new transmission main from North Fork Reservoir.

Following a discussion, Councilman Morgan introduced a resolution ratifying action taken by ... Manager and Director of Public Works in agreeing to a water rate charge and right-of-way agreement with Boa... National Missions of the United Presbyterian Church in the United States of America, which was, upon motion...

...Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 512.

...TATE OF NORTH CAROLINA
...OUNTY OF BUNCOMBE

THIS AGREEMENT, entered into this 24th day of July, 1959 by and between the BOARD OF NATIONAL MIS...IONS OF THE UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA, a corporation organized and existing under ...the laws of the State of New York, hereinafter referred to as the "BOARD", and the CITY OF ASHEVILLE, a municipal ...rporation of the State of North Carolina, hereinafter referred to as "ASHEVILLE".

WITNESSETH:

That, for and in consideration of the sum of Ten Dollars each to the other paid, receipt of which is ...hereby acknowledged, and the mutual covenants herein contained, it is hereby agreed as follows:

1.

The Board has given, granted, bargained, sold and conveyed, and by these presents does give, grant, ...argain, sell and convey to Asheville, its successors and assigns, a perpetual right-of-way, easement, privilege, ...ower and authority to lay and maintain one or more water pipe lines of such size and materials as the said Asheville, ...its successors and assigns, may seem best, with all necessary gates blowoffs and fixtures, in, over, under, and upon ...certain piece or parcel of land in Buncombe County, North Carolina described as follows:

A strip of land 20 feet wide, said strip being parallel to and being immediately adjacent to, and south of a strip of land 20 feet wide, across the property of the Board and described and referred to in a deed for right-of-way registered in book 125 at page 288 in the office of the Register of Deeds for Buncombe County, N. C., said instrument being dated July 30, 1902, the same being hereby referred to as if set forth in full herein; but with the exception, however, that where the strip hereby granted crosses the presently existing athletic field of the Warren Wilson College the City may deviate to the south from paralleling the existing right-of-way and pass under the athletic field, and after said line passes the athletic field the same shall again be made parallel to the right-of-way granted in the deed dated July 30, 1902 and referred to above, as directly and shortly as is reasonable and consistent with sound engineering principles.

2.

The Board further agrees that Asheville, its grantees, agents, servants and employees, may have and ...old said right-of-way, easement, privilege, power and authority, together with the right-of-way for ingress, egress ...nd regress forever to, from and over said proposed pipe line or lines and to said pipes, gates, blowoffs and fixtures ...or the purpose of excavating the trenches for laying the same, and for laying, repairing, maintaining, placing, re...acing, locating, relocating, renewing or removing the same or any of them, at the pleasure of Asheville, its succes...rs, grantees and assigns, at any and all times, and with the right at all times to pass and repass on foot or with ...ehicles of all kinds, and to make such rules and regulations and to enforce the same by penalties or otherwise, as ...may be deemed necessary, convenient or prudent for the protection of or for preventing all persons or animals from ...interfering with said pipe lines, gates, blowoffs or fixtures used in connection therewith on said premises.

It is further agreed that the owner, or owners, of said land shall at all times have the right to ...ultivate and use the said land, to pass and repass over the same, in the same manner as heretofore, provided such ...ultivation and use shall not in anywise interfere with said pipes, pipe lines, or with their efficient use in con...veying water, nor with the right of Asheville, its successors and assigns, to lay and maintain and otherwise deal ...with said pipe lines as hereinbefore set forth.

3.

Asheville agrees that the property of the Board will be restored and replaced after said pipe line ...lines have been laid as nearly as is reasonably possible to their condition before the lines were installed.

4.

The City of Asheville agrees to indemnify and hold the Board harmless against claims and actions ...arising by reason of any acts and omissions of the City of Asheville causing injury or death to any person or persons ...account of the maintenance, repair or establishing of this right-of-way or water lines by the City of Asheville.

5.

It is agreed that beginning with the water billing period commencing in the month of July, 1959 the ...Board, its successors and assigns shall be charged thereafter for the sale of water at Warren Wilson College the same ...water rate by the City of Asheville, its successors and assigns, as is charged to like consumers within the City of ...Asheville, the conveyance of the right of way hereinbefore granted having been made by the Board expressly in consi...deration for this Agreement.

IN WITNESS WHEREOF, the Board of National Missions of the United Presbyterian Church in the United ...States of America has caused this instrument to be executed and attested by its duly authorized officers, all by au...thority duly granted to them; and this instrument has been duly executed for and on behalf of the City of Asheville ...by the City Manager and Director of Public Works, this the day and year first above written.

...TEST:

...Flora Wester (Flora Wester)
...Secretary

BOARD OF NATIONAL MISSIONS OF THE UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA

By S/ Kenneth G. Neith (Kenneth G. Neigh)
Executive Vice President

...TEST:

...Margaret Simmons
...City Clerk

CITY OF ASHEVILLE

By S/ Weldon Weir
City Manager and Director of Public Works

...ate of New York
...ity of New York

I, a Notary Public of said State and County, certify that Flora Wester personally came before me this

day and acknowledged that she is ____Secretary of BOARD OF NATIONAL MISSIONS OF THE UNITED PRESBYTERIAN CHURCH OF THE UNITED STATES OF AMERICA, a corporation, and that, by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its Executive Vice President, sealed with its corporate seal, attested by herself as its ____ Secretary.

WITNESS my hand and Notarial Seal, this the 25th day of September, 1959.

S/ Lucien H. Tribus
Notary Public

My commission expires:

Lucien H. Tribus
Notary Public, State of New
No. 43-9379225
Qual. in Richmond Co. Cert.
with New York County Clerk
Term Expires March 30, 19
(Seal)

NORTH CAROLINA
BUNCOMBE COUNTY

Before me, Lillian Ducker, the undersigned Notary Public, personally appeared J. WELDON WEIR, Manager of the City of Asheville, known to me, who duly acknowledged the execution of the foregoing Agreement as Manager for the City of Asheville pursuant to authority conferred by law and further pursuant to resolution, ... tion and ratification of said Agreement by the City Council of the City of Asheville.

This the 9th day of October, 1959.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public, Buncombe Co.
North Carolina

Councilman Mulvaney introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 513.

STANDARD FORM OF CONTRACT FOR AUDIT OF LOCAL GOVERNMENT UNITS

AGREEMENT, made this 1 day of October, 1959, in accordance with the requirements of the Public ... of North Carolina, between JAMES E. ASHE (Accountant or Accountants) of Asheville, North Carolina (City & State) hereinafter known as the ... of the First Part, and CITY COUNCIL (Governing Body) of City of Asheville, North Carolina (Governmental Unit) North Carolina, hereinafter known as the Party of the Second Part.

1. IT IS AGREED that the Party of the First Part shall conduct an audit of the accounts and ... cords pertaining to the following funds and/or divisions of the Party of the Second Part:

General City Operating, Water Operating, Sinking Funds
Capital Funds, and Revolving Fund.

for the period beginning July 1, 1959 and ending Jjne 30, 1960 in accordance with the Standard Program of Audit ... cedure which is hereby made a part of this contract. (Authority for elimination or variations from the Standard ... gram of Audit Procedure must be obtained by the Governmental Unit from the Director of Local Government, in writing ... before a contract is executed, and such eliminations, when approved by the Director of Local Government, must ... state hereunder or attached hereto with reference to the paragraph number designated in said Standard Program of ... Audit Procedure.) _____

2. Party of the First Part agrees that the services he has contracted to perform under this ... tract shall be rendered by or under the personal supervision of competent accountants who will faithfully perform ... their work with care and diligence and reports all irregularities, omissions and discrepancies in the accounts ... the Party of the Second Part.

3. It is understood and agreed that should unusual conditions arise whereby the services of ... Party of the First Part are necessary beyond the extent of the work contemplated and required under the Standard ... Program of Audit Procedure, such unusual conditions shall be referred to the Party of the Second Part who shall ... instruct said Party of the First Part concerning such additional services, which shall be subject to the approval ... of the Director of Local Government.

4. The audit shall be started as soon after this contract is executed and approved as is ... to the Parties hereto and shall be completed and a written report thereon rendered within a reasonable time after ... close of the period covered by this contract. One copy of said report shall be filed with the Director of Local ... ernment.

5. In consideration of the faithful performance of the conditions covenants and undertakings ... set forth, the Party of the Second Part agrees to pay to the Party of the First Part upon approval by the Director ... of Local Government a fee of TWO THOUSAND SIX HUNDRED ($2,600.00) DOLLARS.

James E. Ashe, Certified Public Accountant
Party of the First Part

By S/ James E. Ashe

City of Asheville
Party of the Second Part

By S/ Weldon Weir

Provision for the payment of the moneys to fall due under this agreement has been made by ... tion duly made or by bonds or notes duly authorized as required by the "County Fiscal Control Act".
"Municipal

S/ Mary Eudy

County
Municipal Accountant
of Asheville North Carolina

A communication was received from George E. O'Neal, Chief Engineer of the Air Pollution Control Division, recommending fee changes for installation and inspection of fuel burning equipment, and changes in Rules and Regulations governing installation of fuel burning equipment regarding erection of chimneys and stacks and shut-off valves on gas supply lines, and advising that these changes and additions have been approved by the Advisory Board for Air Pollution Control.

Councilman Algary moved that the Corporation Counsel be instructed to draw an ordinance and Amendment to the Rules and Regulations covering said changes, which motion was duly seconded and unanimously adopted.

The City Manager presented a proposed ordinance setting forth a license tax schedule on dogs, and a proposed ordinance creating the office of Dog Control Officer and other sections regulating dogs for consideration by the Council as a starter from which a final ordinance can be prepared.

Councilmen Sumner and McRary expressed the opinion that penalties should be provided for owners who allow their dogs to run at large. Following a discussion, the Council set the date of November 5th for a hearing on the suggested control regulations.

The City Manager presented the statement showing the budget position of the city for the period ending September 30, 1959.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 15, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 15, 1959, at 4:00 o'clock p. m. with Mayor ... W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, C. M. Preslar, ... M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Buncombe County Board of Commissioners requesting of the City ... Council of Asheville the requisition and allotment of a land site area designated for the future construction of a ... Buncombe County Health Center from Redevelopment Area No. 1, certified October 7, 1959 by the City of Asheville Plan... ... and Zoning Commission.

October 13, 1959

Mr. Earl Eller, Mayor
City of Asheville
City Hall Building
Asheville, N. C.

Dear Mr. Eller:

The Buncombe County Board of Commissioners wish to request of the City Council of Asheville the requisition and allotment of a land site area designated for the future construction of a Buncombe County Health Center from Redevelopment Area No. 1, certified October 7, 1959 by the City of Asheville Planning and Zoning Commission. This request is based upon complete agreement with the findings of the Metropolitan Planning Board in their report of October 7, 1959. Said findings of the Metropolitan Planning Board was the result of a request from the County Board of Commissioners endeavoring to locate a proper site for a Buncombe County Health Center.

Your Buncombe County Health Center will require not less than three nor more than five acres of cleared land area and should be designed and so designated for the purpose of a public health center. A formal commitment at your earliest opportunity of approval would be most gratefully received.

Respectfully yours,

S/ Coke Candler, Chairman
County Board of Commissioners

CC/ab
cc: Mr. Weldon Weir
Mr. R. P. Booth

Following a discussion, the Council referred this matter to the Urban Redevelopment Commission for consideration.

... MEDICAL SOCIETY -

A communication was received from the Buncombe County Medical Society requesting that ambulance drivers be required to observe traffic regulations applying to all vehicles except in cases of dire emergency and/or under a physician's specific request.

Following a discussion, this matter was referred to the Public Safety Department with instructions to ... ask the voluntary cooperation of ambulance operators in an effort to remedy this situation.

... PAVEMENT REPAIRS -

The City Manager presented to the Council the bids which were received for the construction of the

Terminal Building at the new Asheville Airport as follows:

General Contractors	Address	Bid
Z. B. Robinson Construction Company	Asheville, N. C.	$ 336,000.00
W. B. Dillard		354,900.00
Hickory Construction Company	Hickory, N. C.	374,818.00
Barger Construction Company		401,000.00
Wagoner Construction Company		386,700.00
Southeastern		381,100.00
Merchant Construction Company	Asheville, N. C.	383,052.00
R. L. Coleman	Asheville, N. C.	377,090.00
McDevitt & Street		385,400.00
Robinson Bros. Contractors	Asheville, N. C.	363,758.00
Plumbing Contractors		
Wrenn Bros., Inc.		25,785.00
Price Piping Company		35,990.00
Moser Plumbing Company	Asheville, N. C.	28,760.00
Statesville Plumbing & Heating Company	Statesville, N. C.	25,948.00
Dixon & Christopher		25,890.00
Electrical Contractors		
Starr Electric Co.		55,835.00
M. B. Haynes Electric Corporation	Asheville, N. C.	51,564.00
Cooper Electric Co.		60,120.00
Bryant High Point		59,530.00
Home Electric Co.		59,040.00
Electrical Contractors		56,106.00
Bryant Brevard		53,439.00
Hayes & Lunsford	Asheville, N. C.	59,300.00

The City Manager advised that the Federal Aviation Agency, and the architects had recommended acceptance of the lowest bids. The City Manager further advised that he has been informed the federal government will pay $262,500 toward construction of this building, which is slightly more than the 50 per cent federal aid in all airport construction costs, but that the city will pay architectural and engineering fees, and further the letting of these contracts will require issuing the final $100,000 of the $1,200,000 total bond issue authorized by Asheville voters.

Councilman McRary introduced a resolution awarding contracts for construction of Terminal Building at new Asheville Airport, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 514.

Councilman Algary introduced Ordinance No. 417, being "AN ORDINANCE AMENDING ORDINANCE #310 ENTITLED 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY'", which was discussed by the Council.

Following the discussion said Ordinance No. 417 was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported in regard to the traffic hazard at the intersection of Merrimon Ave. and King Street that the property owner had been most cooperative, and that the city has been authorized to eliminate this hazard, and that work will be completed within the next few days.

The Mayor observed that a group of citizens were present to discuss a proposed dog ordinance, which was officially scheduled to be heard on November 5th, and, without objection from members of the delegation, that the Council would adjourn its regular meeting, but would sit as a committee for the purpose of discussing details of such an ordinance.

Whereupon, upon motion duly made and seconded the Council adjourned.

MAYOR

CITY CLERK

Thursday, October 22, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 22, 1959, at 4:00 o'clock with Mayor

Eller presiding. Present: Councilmen T. B. Sumner, W. F. McRary, C. M. Preslar, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from Baxter H. Taylor requesting the rezoning of Lots 200 to 205 and Lots 150 to 152 from Residential District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 417, being "AN ORDINANCE AMENDING ORDINANCE #310 entitled 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY'", upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Preslar voted "aye" — Mayor Eller voted "aye"

Councilman Preslar introduced a resolution authorizing Mayor to execute certification to the North Carolina Commissioner of Insurance as to firemen and/or volunteer firemen under the provisions of G. S. 118-23, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3 at page 516.

The City Manager presented the audit for the City of Asheville Board of Alcoholic Control for the period ending September 30, 1959.

Mr. Bruce Elmore, attorney, presented petitions on behalf of Magnolia Reavis and T. J. Bassett and Ora Bassett, for their property which is bisected by the new city boundary to be excluded from the city limits.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, October 29, 1959 - [illegible] o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on Thursday, October 29.

CITY CLERK

Thursday, November 5, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 5, 1959, at 4:00 o'clock P. M. with Mayor Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. M. Preslar, C. E. Morgan, W. F. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lots 514, 516, 602, Sheet 6, Ward 9, and that part of Lot 609 lying west of a line projected from the northeast corner of Lot 514 in a northerly direction to the southeast corner of Lot 602 from Residential RA-6 to Neighborhood Trading.

November 4th, 1959

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission rezone from Residential RA-6 to Neighborhood Trading Area the following described property: Lots of record indicated on Buncombe County and City of Asheville Tax Maps, Ward 9, Sheet 6, Lots 34, 514, 602, and that part of Lot 609 lying west of a line projected from the northeast corner of Lot 514 in a northerly direction to the southeast corner of Lot 602.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This recommendation was accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same.

A communication was received from Mr. Anthony Redmond, spokesman for a group of local attorneys requesting that a portion of the proposed redevelopment area generally located north of the City-County Plaza be designated for office purposes and that his associates and himself be considered as potential redevelopers for said use.

17½ Church Street
Asheville, North Carolina
November 5th, 1959

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

As spokesman for a group of local attorneys, I would like to submit for your consideration and further review by the proper local agency, the proposal that a portion of the proposed redevelopment area generally located north of the City-County Plaza be designated for office purposes and that my associates and I be considered as potentialpotential redevelopers for said use.

Very truly yours,

S/ Anthony Redmond
Anthony Redmond,
Attorney-at-Law.

AR:nr

Following a discussion, the Council referred this request to the Urban Redevelopment Commission for consideration.

Ordinance No. 417, being "AN ORDINANCE AMENDING ORDINANCE #310 ENTITLED 'AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY'", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 417

AN ORDINANCE AMENDING ORDINANCE #310 ENTITLED "AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND THE POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance #310 entitled "AN ORDINANCE RELATING TO THE EMISSION OF SMOKE AND POLLUTION OF AIR, PRESCRIBING METHODS OF ENFORCING PENALTIES, AND DECLARING AN EMERGENCY" be and is hereby amended by repealing Section 7 thereof, and substituting in lieu thereof the following:

SECTION 7.

PERMIT AND INSPECTION FEES

The following fees shall apply for the installation permit and the inspection of installation or repairs.

FEES BASED ON B.T.U. HR. INPUT

GAS B.T.U. HR.	OIL GAL. PER	STOKER LBS. PER	FURNACE B.T.U. HR.	BOILER L.P.S. Sq. Ft.	BOILER H.W. Sq. Ft.	BOILER HIGH PRES.	FEE
300	2 Gal.	35#	300	1000	1600	10 H. P.	$5.00
301 To 600	2.1 To 4 Gal.	36# To 60#	301 To 600	1001 To 3000	1601 To 5000	11 H. P. To 20 H. P.	$7.50
601 To 1 M 400	4.1 To 10 Gal.	61# To 100#	601 To 1 M 400	3001 To 6000	5001 To 10,000	21 H. P. To 40 H. P.	$10.00
1 M 401 To 3M	10.1 To 20 Gal.	101# To 250#	1 M 401 To 3M	6001 To 12,000	10,001 To 20,000	40.1 To 100 H. P.	$15.00
OVER 3 M	OVER 2- Gal.	OVER 250#	OVER 3 M	OVER 12,000	OVER 20,000	OVER 100 H. P.	$20.00

PENALTY: Where work is started before securing installation permit, the fee shall be doubled

Where work is started before securing permit on installation where no fee is required, a regular fee will be charged and payed by the Contractor.

EXCEPTION: Emergency installation and repairs may be made as per Section 5.

The aforesaid fees shall be paid to the Chief Smoke Regulation Engineer prior to the approval of plans for such installation by him.

The fee for the examination or inspection shall include the issuing of a certificate for operation in case such certificate for operation is granted and shall be paid at the time the permit is secured.

Section 2. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 4. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 15 day of October, 1959.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 5 day of November, 1959, to become effective 20 day of November, 1959.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The Council approved the amendment to the Rules and Regulations for the operation of the Smoke Abatement program prepared by the Chief Engineer and approved by the Advisory Board created by Ordinance #310 as follows:

Repeal Section II and Section XXI of the Rules and Regulations and substituting in lieu thereof the following:

Section II

CHIMNEYS AND STACKS

I. All Chimneys to which fuel burning equipment is attached shall be as follows

(a) No Chimney or flue shall be erected in the City of Asheville using a flue tile smaller than the commercially accepted standard commonly sold as 8" x 12".

EXCEPTION: Bulletin #3

Modification #9 of the North Carolina Building Code, Article 9, Chapter 143, of the General Statutes of North Carolina.

Upon the advice of the North Carolina Building Code Council, May 2, 1951, the following is hereby accepted as modification of Section 11.1-11 and 11.12 of the North Carolina Building Code, allowing limited use of prefabricated metal flues.

Prefabricated metal flues bearing the label of National Board of Fire Underwriters Laboratories are permitted in one story multiple family dwelling units located outside of the fire district provided:

1 - Such flue or flues are protected against mechanical injury in occupied and unoccupied areas,

2 - The construction and installation is in full accordance with the National Board of Fire Underwriters Laboratories specifications,

3 - That installation and protection against mechanical injury is approved by the local building inspector, and,

4 - Further provided that not more than four such flues are installed in any area between party walls of masonry. (See Section 10.21 of the North Carolina Building Code.)

5 - All prefabricated flues shall bear the National Board of Fire Underwriter's Laboratories label of approval.

(b) On all hand-fired fuel burning equipment, a thimble shall be installed at a minimum of 12" from joists.

(c) On all automatically fired fuel burning equipment, a thimble shall be installed at a minimum of 6" from joists provided same is properly protected by a metal shield.

Reference: Erection and Inspection of Building. Section 2760

(d) Manufacturers recommendations to be accepted for the size of chimney or any specified model of his own equipment.

(e) All chimneys and flues shall have installed at the base an easily accessible clean-out door and soot collection chamber. Flue of the soot collection chamber shall be 12" below the lower edge of the entry of the flue pipe to the chimney. The clean-out door shall have a diameter of at least 5".

(f) All chimneys must extend a minimum of 3' above a flat roof or 2' above the ridge pole of a gabled roof. Clearance must always be allowed above adjacent buildings to permit the discharge of obnoxious gases and fumes without causing a nuisance to the occupants of near-by buildings. Chimneys more than 10' from the center line of a gabled roof need not extend the required 2' above the ridge pole, if other provisions of section can be met.

(g) Boilers or furnaces in separate rooms or separate buildings shall have a separate stack or a separate flue lining for each piece of equipment.

(h) When other construction is unreasonable, two pieces of heating equipment may be attached to one chimney provided such chimney has sufficient area and height to simultaneously provide the correct draft on each piece of equipment.

(i) Only automatic gas appliances may be vented to a flue serving equipment using another fuel. In such cases, the gas equipment connection must be above the flue connection of the heating equipment and equipped with a diverter.

(j) The type and construction of all chimneys, flues, and stacks, shall be in accordance with the Asheville Building Code.

Section XXI

IV. Manual Shut-off Valves

A. Pilot lines shall be connected to vertical main gas supply lines or to the sides or top of horizontal lines upstream from all gas control valves for each boiler, and shall be independently controlled by means of a manually operated pilot Shut-Off Valve. In multiple installations, a manually operated Pilot Firing Valve shall be provided for each pilot. This will permit following safe practice of lighting the pilots before turning on gas to main burners.

B. In multiple installations, each burner unit, except those utilizing a zero governor inspirator mixer, shall be equipped with a plug type firing valve with stops at the open and closed positions. The handle shall be permanently attached and parallel to the gas flow in the open position.

C. A manually operated Main Burner Shut-Off Valve of the lubricated plug type with handle permanently attached shall be installed in the lines supplying all main burners of each boiler.

D. A manually operated shut-off valve of the lubricated plug type with handle permanently attached shall be installed in the main line to each boiler. It shall be readily accessible and shall clearly indicate the "on" and "off" positions.

E. A manually operated outside shut-off valve shall be installed on all gas supply lines. It shall be readily accessible. Where cut-offs are located below ground, a flush cap shall be used and clearly marked "GAS". Proper precaution shall be made on below ground cut-offs to prevent accumulation of dirt or trash to insure accessibility of cut-off at all times.

Councilman Mulvaney introduced a resolution authorizing the Mayor to execute a five year lease [illegible] house and three lots located on Fairview Road in the Oakley Park Subdivision for the purpose of a fire sub[illegible] which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3 at page 517.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

L E A S E

THIS CONTRACT OF LEASE, made and entered into this 5 day of November, 1959, by and between EDITH M. FISHER and husband, SAMUEL J. FISHER, MRS. WINNIE M. KILLIAN and husband, CARL KILLIAN, and MRS. ANN M. WINSTEAD and husband, [illegible] WINSTEAD, parties of the first part, hereinafter called LESSOR, and the CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina, party of the second part, hereinafter called LESSEE;

W I T N E S S E T H:

The Lessor hereby leases and lets unto the Lessee, or its successors, and the Lessee hereby rents and hires from the Lessor that certain property fronting on Fairview Road, known as Lots 12, 13 and 14 of the Oakley Park Subdivision, a plat of same being recorded in the office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 5 at page 110, and more particularly described as follows:

BEGINNING at a stake located in the southern margin of the Fairview Road, said stake being South 77 deg. [illegible] West 200 feet from the intersection of the southern margin of Fairview Road and the Eastern margin of Murphy Street, and running thence South 3 deg. 30' East 150 feet with the western margin of Lot 12 to a stake in the northern margin of a 16 foot alley; thence with the northern margin of said alley North 86 deg. 45' East 123.7 feet to a stake in the western margin of Liberty Street, being the southeast corner of Lot 14; thence with the western margin of Liberty Street North 3 deg. 30' East to the southern margin of Fairview Road; thence with the margin of said Fairview Road in a westerly direction to the point of BEGINNING.

The term of this lease shall be for a period of five years, commencing on the 15th day of November, 1959, and ending at midnight on the 14th day of November, 1964, unless sooner terminated as herein provided, it being agreed that if the Lessee shall remain in possession of the demised premises after the termination of this lease it shall be considered as a tenant from month to month.

The rental for said premises shall be at the rate of One Hundred ($100.00) Dollars per month, which the Lessee shall pay to the Lessor on the 15th day of each month during the term in advance, the first payment to be made on the 15th day of November, 1959, said payments being made to Dillard Realty Company, Agent

The other terms and conditions of said lease are as follows:

1.

Any and all taxes or assessments levied against the property hereinbefore described and [illegible] during the term of this lease, the responsibility of the Lessee, with the exception that the taxes for the first and last years of the term shall be prorated.

2.

The Lessee shall pay for all lights, water and utilities used in the premises during the term of this lease.

3.

The Lessee accepts said premises in the physical condition in which the same now are, and the Lessor shall be responsible for no repairs or replacements during the term, except as hereinafter provided.

4.

The Lessee shall have the right during the term to erect upon the demised premises such buildings or other improvements to the existing building or buildings as the Lessee may elect, provided that the Lessee may do nothing to weaken the structure of any existing buildings. Any such changes alterations or improvements which the Lessee may make shall become a permanent part of the real estate to the extent that the same are permanently affixed or attached to the existing structure or building on the premises.

5.

It is agreed that the demised premises may be used during the term for any lawful purposes as the Lessee may elect.

6.

Should the building upon the demised premises be destroyed or rendered reasonably unfit for use or occupancy for the use to which the Lessee is then making of the premises the Lessee reserves the right to terminate this lease, and shall give notice within thirty days after said fire or casualty. If the Lessee elects not to terminate said lease, the Lessor shall immediately undertake repairs and restore the same as quickly as is reasonably possible to their condition before the fire or casualty, the Lessor further agreeing to keep and maintain a fire insurance policy on said premises in the face amount of at least Ten Thousand ($10,000.00) Dollars.

7.

The Lessee shall not assign this lease nor sublet the premises or any portion thereof without the written consent of the Lessor.

8.

The Lessee shall have the right and option to extend the period of this lease for an additional term of [illegible] years, provided that the Lessee shall give notice to the Lessor on or before the 15th day of November, 19[illegible] as to whether or not it will renew the lease. In the event of a renewal the monthly rental shall be adjusted proportionately up or down so as to reflect any changes in the Cost of Living Index (also known as the Consumer Price Index as published by the United States Department of Labor, the Index for November, 1959 being considered as the Base Index. The position of said Index in November, 1964 shall be compared with the November, 1959 Index and the comparative adjustment in said rental for the extended period shall be made.

9.

The Lessee shall have the right at any time before November 15, 1964 to purchase this property for the sum of Ten Thousand ($10,000.00) Dollars cash. The Lessee shall also have the right to purchase the same in the event the term of this lease is renewed. The purchase price during said renewal period shall likewise be based on the Cost of Living Index, and the purchase price shall be adjusted upward or downward and computed based on the Cost of Living Index in the same manner as is provided for the determination of the rental during the extended period, that is, by comparing the position of the Index as compiled in November, 1959 with its position in November, 1964.

10.

If the Lessee shall be in default in the monthly rental for thirty days, the Lessor may at their o[p]t any time during such default declare this lease terminated and cancelled, and take possession of said prem[i]

11.

Any notice hereinunder required to be given to the Lessor shall be made to Dillard Realty Company, Agent, by registered mail. Any notice to the Lessee shall be given by registered mail to the Asheville City Ma[n]ger at his office in the City Hall, Asheville, N. C.

12.

If the Lessee shall perform all and singular the terms and conditions of this agreement, the Lessor, their successors or assigns, shall warrant and defend the Lessee in the enjoyment and peaceful possession of s[a]premises during the term aforesaid.

IN WITNESS WHEREOF, the Lessor have caused their hands and seals to be affixed, the day and year f[i]above written; and in witness whereof the Lessee has caused this agreement to be signed by its Mayor and its [co]rate seal hereto affixed, and attested by its City Clerk, the day and year first above written, all by authority the City Council of the City of Asheville duly and lawfully given.

Edith M. Fisher (SEAL)

Samuel J. Fisher (SEAL)

Winnie M. Killian (SEAL)

Carl Killian (SEAL)

Ann M. Winstead (SEAL)

Ellis Winstead (SEAL)

ATTEST:

S/ Margaret Simmons
City Clerk

(SEAL)

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

The City Manager presented two ordinances relating to dog control to the Council for consideration, one ordinance relating to fees, and the other ordinance relating to establishment of the office of Dog Control Officer and setting out his duties, both of which ordinances were read in full.

Mr. James S. Howell, attorney representing the Buncombe County Veterinarians Association and the Ash[e]ville Kennel Club, advised the Council his clients in general were in accord with the proposed ordinances, but [o]specific penalties for persons whose dogs cause damage to property. Mr. Howell also stated veterinarians feel [t]quirement for confining dogs 21 days after they have bitten a person is too long, and that a ten day confinem[e]adequate to check on possible rabies development.

Mr. Richard Ford, attorney and past president of the N. C. Society for the Prevention of Cruelty to Animals, opposed the fence-leash provision, and urged that the duty of control officers also include enforcem[e]of anti-cruelty regulations protecting all animals. Others who spoke in opposition to the fence-leash law incl[u]E. Frank Edwinn, Mrs. Raymond Shurling, W. R. Plemmons, R. E. Stewart, and Millender M. Matthes.

Speaking in favor of the fence-leash provision were Mrs. J. R. Washburn, Y. G. Johnson, Mrs. A. W. [M]and H. I. Louthian.

Following the discussion, Councilman Morgan introduced Ordinance No. 418, being "AN ORDINANCE AMEN[D]ORDINANCE 412, BEING 'AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES [O]CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960' RELATING TO DOGS", which [w]upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted on its first reading with [t]following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible] OF THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS [illegible] RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF

Following a further discussion, Councilman Sumner introduced Ordinance 419, being "AN ORDINANCE [A]CHAPTER 2, ARTICLE 2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS [illegible] AND 67 RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF", was, upon motion of Councilman Sumner, [s]by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that 142 communications had been received requesting revision in the preliminary survey line for the new city limit boundary as follows:

WARD	SHEET	LOT	NAME	REQUEST
	29	25	C. W. Hendrix	Out
Haw Creek	25	15, 16	W. W. Williams	"
	29	18	A. McPherson	"
	25	18	J. R. Gentile	"
	25	13	R. N. Stancil	"
	32	19-1/4	R. B. Adair	"
	32	3	E. H. Reese	"
	32	14	J. F. Fox	In
	30	9	H. A. Penley	Out
	26	15	Armstrong	"
	31	92	E. Crawley	"
	31	94, 95-1/4	Kuykendall	"
	32	122	W. C. McDonald	"
	26	55	C. W. Hunicutt	"
	26	14	G. W. Huntly	"
	30	10	Fleischer	"
	32	121-1/4	W. C. Keys	"
	30	2	J. S. Cole	"
	29	2, 4	J. S. Cole	"
	29	26	S. M. Cathey	"
	26	32-1/4	L. E. Metcalf	In
	32	52	P. G. Thompson	Out
	28	3-1/2	Lunsford, J. F.	"
	32	125	Jack Hicks	"
	31	96-1/4	L. G. Bradly	"
	31	96	H. A. McGaha	"
	32	158	J. B. Graham	"
	32	15	E. B. Brigman	In
	32	61,62,63	E. L. Brigman	Out
	30	10-1/4, 11	L. A. White	"
	29	6	R. Irwin	"
	32	53-1/2	C. E. Buckner	"
	31	93	J. P. Prock	"
	25	12,17	E. H. Cort	"
	32	96	F. S. Baldwin	"
Swannanoa	10	124	N. Phillips	"
	10	107	Finley & Craig	"
Hazel	30	1-1/2	W. E. Chapman	"
	30	2	Eliada	In
	30	1, 7	W. A. Felmet	Out
	30	176	Clyde Bennett	"
	30	188	P. G. Miller	In
	19	2	M. King	Out
	19	1	Mrs. J. F. Brown	"
	19	2	Ruth Coffey	"
	19	14-1/4	F. O. Shirlin	"
	19	3	G. M. Felmet	"
	7	45	J. A. Brown	"
	32	32	R. W. Freeman	"
	32	96	R. W. Freeman	IN
	32	47	Pinkerton	Out
	32	34	H. Parham	"
	32	32-3/4	J. L. Roberson	"
	32	44-1/4	C. C. Wright	"
	32	39	T. P. Wilson	"
	32	89	Rex Revis	"
	5	48,44-3/4	T. C. Smith	"
	5	51-1/4	W. S. Gragg, Jr.	"
	5	48	J. Knupp	"
	5	45	L. Garland	"
	5	41	Pearl Tindle	"
	5	49	J. A. Hamlin	"
	4	41-1/2	C. A. Chunn	"
	4	356	G. E. Cowan	In
	4	221,222	R. M. Meadows	Out
	4	219,220	Martin Sams	"
	4	311	Goldsmith	"
	4	285,287	L. H. Hendrix	"
		325,326, 326-1/4, 327 328,329,330-1/4 & 330	Bennett Felmet	"
Lower Hominy	4			
	22	311-1/2, 312	H. G. Smith	"
	2	1, 2, 3	P. Peterson	"
	1	104	C. E. Allison	"
Beaverdam	3	178-1/2	S. G. Robinson	In
	21	1 thru 8	T. C. Smith	Out
	21	6	Jas. E. Jones	"
	42	78,223,225	F. B. Chambers	"
	42	72	Kuykendall	"
	42	93	Masters	"
	25	67	C. E. Carter	"
		101,102	C. A. Holcombe	"

WARD	SHEET	LOT	NAME	REQUEST
Beaverdam	25	40-1/2	W. A. Gee	Out
	25	19	T. J. Bassett	"
	25	21-1/4, 21, 64	L. S. Sargent	"
	25	24, 27	S. H. Lawrence	"
	25	57	Carl Palmer	"
	24	32	L. E. Biddix	"
	24	31	C. M. Carter	"
	24	30	Mildred Grady	"
	24	13	A. J. Garland, Jr.	"
	24	10,11,12,14,15	A. J. Garland, Jr.	"
	34	48	N. A. Hall	"
	34	24	A. R. Hall	"
	14	1	Bertha Ray	"
	35	5-1/2, 5-3/4	N. E. Ford	In
Biltmore	31	1, 2-1/4	W. H. Souther	Out
	31	4, 3, 2	J. C. Laughter	"
	17	252, 253-1/4	J. E. Pratt	"
	17	253, 94-3/4	R. H. Courtney	"
	17	94, 209-1/2	W. L. Hart	"
	17	9	J. S. Harris	"
	17	94-1/4	J. V. Settle	"
	17	210	J. B. Williams	"
	24	142	N. A. Roland	"
	24	144	L. Martin	"
	24	9-3/4	N. E. Hayes	"
	18	502 thru 509 492 thru 494	Farnam	"
	27	45-1/4	L. A. Drake	"
	27	49	C. P. McTindall	"
	27	45, 46-1/4	A. D. Mathews	"
	15	2	T. F. Wilson	"
Haw Creek	32	9	R. H. Reese	Out
	33	68 & 59	Sam M. Cathey	In
	26	37, 45	M. Reavis	In
	29	1	E. H. Cort	Out
	Private Plat		E. V. Bonham	In
	31	13	Choquette	In
	30	1	J. E. Lindsay	Out
	32	12-3/4	E. W. Frink	In
	32	58	Fred Hart	In
	31	117	F. H. Hammond	In
	31	22-3/4, 116	Vance Mathis	In
	31	114	G. B. Forrester	In
Hazel	11	93	Mrs. J. F. Brown	Out
	32	96	R. W. Freeman	In
	32	32	R. W. Freeman	Out
	32	90	Ben Sellers	In
	4	223,224,225	R. M. Meadows	In
	19	14	E. G. Sumner	Out
	32	48-1/4 - 126 85-1/4	K. N. Smith	In
Lower Hominy	2	5	K. N. Smith	In
Beaverdam	42	66	H. E. Ownbey	In
	42	68 & 95	C. E. Carter	Out
	42	13,14,15	L. B. Thomas	In
	25	26-1/4	W. H. Haynes	Out
	25	29	K. C. Smith	"
	32	96 thru 103	Psychas	In
	35	5-1/2, 5-3/4	N. E. Ford	In
Biltmore	31	19-3/4, 35	J. M. Davidson	Out
	17	224 & 225	Louis Black	In
	27	118 thru 121	C. P. McTindall	In
	19	1	C. T. Wilson	In
	DB 760 pg. 484		O. G. Willingham	In
Haw Creek	32	Lot 13-1/2	G. R. Calloway	Out
Beaverdam	42	Lot 20	R. H. Thomas	Out
	24	20	W. A. Broadway	"
Biltmore	2&3		Biltmore Co.	Adjust boundary
	19	4	F. M. Crayton	Out
Haw Creek	32	13	B. H. Davis	Out
	31	14	Buncombe County Board of	"
Biltmore	13	1 & 2	Education	
			L. P. Cheesborough	"
	17	94-1/2	C. J. Hart	"
Haw Creek	32	12-3/4	E. W. Frink	"
Biltmore	Private Plat	R/W	Southern RR	
	Private Plat		City Recreation Park	
	17	209, 210-1/2	R. M. Cauble	Out
Beaverdam	Private Plat		Beaver Lake Golf Course	"
			Highway Commission	Adjust line
Haw Creek	32	156	J. W. McRarcy	No request

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, November 12, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 12, 1959, at 4:00 o'clock P. M. with Mayor W. W. Eller presiding. Present: Councilmen C. M. Preslar, J. W. McRary, W. F. Algary, C. E. Morgan, F. M. Mulvaney, and R. A. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Clerk advised of a number of letters which had been received opposing the fence-leash provision of Ordinance No. 419.

Ordinance No. 418, being "AN ORDINANCE AMENDING ORDINANCE 412, BEING AN ORDINANCE LEVYING [illegible] POSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960' RELATING TO DOGS", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

In regard to Ordinance No. 419, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, OF ORDINANCE 28[illegible] KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS 63, 64, 65, 66 AND 67 RELATING TO DOGS AND INSERTING [illegible] SECTIONS IN LIEU THEREOF", Councilman Preslar moved that Section 64 be stricken from said ordinance, which motion was seconded by Councilman Morgan.

Councilman Sumner expressed the opinion that striking this provision from the ordinance would make it a waste of time and money to pass any ordinance at all, and that property owners should be protected from licensed as well as unlicensed dogs.

Mrs. Bertha Hester presented a petition signed by some 2,400 taxpayers requesting that Section 64 be stricken from the ordinance. Mrs. Hester expressed the opinion that the ordinance, with the elimination of Section 64, should be tried for at least a year, and if found to be ineffective, then the matter could be reconsidered.

Mr. Read Wilson favored a modification of the ordinance to the effect that if it can be shown that a dog is destroying property or creating a nuisance that the dog be fenced or leashed.

Other speakers opposing the fence-leash law included W. W. Morrison, Mrs. A. J. Darling, Mrs. Arthur [illegible], Kenneth Raisen, Mrs. Alice Slikker, Mrs. Raymond Shurling, and Dr. Robert W. LaDu.

Speakers supporting the fence-leash provision included Mrs. J. R. Washburn, Max Polansky, and Mrs. [illegible]ephine McMillan.

Dr. Cornwell suggested that the 21 days quarantine provision be changed to 10 days, which is the time approved by the State Health Board and the United States Public Health Service for dogs suspected of having rabies.

This matter was discussed by various members of the Council, and following the discussion Councilman [illegible]ry moved that action on this ordinance be deferred for one week for further study, which motion was seconded by [illegible]ilman Sumner, and unanimously adopted.

Mayor Eller invited Mrs. Hester, Dr. Cornwall, and Mrs. Chappell to sit in as public representatives [illegible]rking out a substitute provision, and Mr. Sumner requested and received inclusion in the conference group, the public to be kept informed on this matter, the Mayor and City Manager being the other members of this committee.

[illegible] EXTENSION FOR
[illegible] - CALL OF
[illegible]

Councilman Morgan introduced a resolution authorizing the calling of certain City of Asheville bonds [illegible] authorizing the Sinking Fund Commission for Buncombe County to publish notice in The Bond Buyer of New York, which was upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book 3 at page 518.

[illegible] - OFF-STREET PARKING
[illegible] - GERTRUDE LaBARBE

Councilman Mulvaney introduced a resolution authorizing Mayor to execute lease with Gertrude LaBarbe [illegible] operating off-street parking facility by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman [illegible], unanimously adopted.

Complete copy of said resolution will be found in Resolution Book 3 at page 519.

[illegible] OF NORTH CAROLINA,
[illegible] OF BUNCOMBE.

L E A S E

THIS LEASE, made and entered into this 12 day of November, 1959, by and between Gertrude LaBarbe (un-

married), hereinafter referred to as LESSOR, and CITY OF ASHEVILLE, a municipal corporation of the State of No
Carolina, hereinafter referred to as LESSEE:

W I T N E S S E T H:

That the Lessor, for and in consideration of the rents, covenants and conditions hereinafter m
tioned to be kept and performed by the Lessee, does hereby rent, demise and lease unto the said Lessee, the fo
ing described premises located in the City of Asheville, Buncombe County, North Carolina, to-wit:

BEGINNING at a stake in the Northern margin of College Street at the Eastern intersection of Market Street and
thence North 14 deg. 25' West and with the Eastern margin of Market Street 120 feet to a stake at the corner o
alley; thence with the Southern margin of said alley, North 75 deg. 35' East 50 feet to a stake, the Northeast
corner of Lot No. 6, Block 1, of a plat hereinafter referred to; thence with the western line of said Lot No.
South 14 deg. 25' East 120 feet to a stake in the Northern margin of College Street; thence with said margin of
College Street, South 75 deg. 35' West 50 feet to the BEGINNING. BEING Lots Nos. 7 and 8 of Block No. 1 of a
mentioned in a deed of conveyance from W. R. Whitson, Commissioner, to Sarah A. Carrier, dated April 16, 1908,
corded in the office of the Register of Deeds for Buncombe County, North Carolina, in Book No. 158 at Page 328
ing the same property described in deed dated March 26, 1936 from Helen LaBarbe to Gertrude LaBarbe, recorded
office of the Register of Deeds for Buncombe County in Deed Book 564 at page 506.

TO HAVE AND TO HOLD the above described premises unto said Lessee for a term of twenty-five (
years, beginning **February** 1, 1960 and extending until the 31st day of **January**, 1985, unless terminated at an
date as hereinafter provided.

1.

The Lessee agrees to pay as rental for the leased premises the sum of Two Hundred and Twenty
$225.00) Dollars per month, payment of said rental to be made by the Lessee to the Lessor in advance, the firs
ment being due on **February** 10, 1960, and a similar payment on or before the 10th day of each month during the

2.

It is understood and agreed between the parties hereto that the Lessee shall operate on the
hereby leased a public parking lot and shall conduct thereon operations auxiliary to the operation of a public
lot and that said premises shall be used by the Lessee for no other purpose whatsoever; ~~and in the event said~~
~~wises shall cease to be used as a public parking lot this lease shall automatically terminate, provided said~~
~~have been used as such parking lot for the first five years of the term of this lease.~~

3.

The Lessee covenants and agrees as follows:

(a) That it will at its own expense raze and demolish, or cause to be razed and demolished,
buildings or structures which may be on said premises, and upon said razing or demolishing all of the materi
vaged or resulting from the same shall belong to and be the sole property of the Lessee.

(b) That all contents within the buildings or structures thereon shall be the sole propert
Lessee.

(c) That it will, at its own expense, level the property above described so that the maxim
of the property may be utilized for the purpose set forth in the preceding paragraph and make all necessary
ments thereon.

(d) That it will keep all improvements erected or placed on the premises in reasonable repa
that said improvements shall become the property of the Lessor at the termination of this lease.

(e) That it will pay all utilities and expenses in connection with the use and operation o
parking lot during the term of this lease.

(f) Lessee agrees to protect and save lessor from any claims for injuries to property or pe
sulting from accident or other happening on the premises which may arise from and during the operations of
ing and razing the buildings thereon, and agrees to carry or cause to be carried public liability insurance
of at least $10,000 each person, and $20,000 each accident for bodily injury liability and $10,000 for propert
age liability to protect both Lessor and Lessee and to protect any contractor for said demolishment and razi
said buildings.

(g) During the term of this lease Lessee agrees to pay all taxes imposed on the demised pr
by any lawful authority.

4.

It is further agreed between the parties hereto that the Lessee may not assign this lease o
portion thereof, or sub-let the premises hereby leased without written consent of the Lessor, her heirs and
except to grant concessions for the conduct of operating which may be auxiliary to the use of the premises f
lic parking lot.

5.

It is further agreed between the parties that if the Lessee at any time fails to pay the r
above provided for within thirty days after the same shall become due, or shall fail to keep and perform an
the covenants or agreements which are hereinbefore mentioned to be kept or performed by the said Lessee, th
in either of the events hereinbefore specified the said Lessor, her heirs and assigns, may at her option de
this lease cancelled and terminated after giving to the Lessee ten days written notice of their intention s
Thereupon the said Lessor, her heirs and assigns, may take possession of the premises without any legal pro
the Lessee agrees to surrender the premises to the Lessor, her heirs and assigns, immediately.

6.

It is further contracted and agreed between the parties hereto that at any time after five
the said Lessor, her heirs and assigns, shall have the additional right, in her discretion, in the event s
show a bona fide arrangement to build a substantial structure on the premises, or to sell all or any porti
premises to terminate this lease.

7.

The Lessor hereby covenants and agrees with the Lessee that subject to the terms and cond
hereinabove set forth, the Lessee shall have and enjoy the premises during the term herein provided for,

adverse claims of any and all persons whomsoever.

IN WITNESS WHEREOF, the said Lessor has hereunto set her hand and seal, and the said Lessee has
ed this instrument to be executed in its name by its Mayor and attested to by its Clerk and its corporate seal
ched, all under and by virtue of the authority duly granted by resolution adopted by the Council of the City of
eville, this lease and the resolution authorizing same having been duly submitted to and approved as to form by
corporate counsel and all matters and things necessary and proper for the said City of Asheville to execute this
ract having been duly and properly done, this the day and year first above written

_____ (SEAL)

CITY OF ASHEVILLE

By s/ E. W. Eller
Mayor

ST:
S. Margaret Simmons
City Clerk

Councilman Preslar introduced a resolution of the City Council of the City of Asheville, North Caro
a, requesting reservation of capital grant funds, approving undertaking of surveys and plans for an urban renewal
ject, and approving filing of an application for Federal advance of funds, which was, upon motion of Councilman
ler, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3 at page 52

The City Manager introduced a group of Lee Edwards High School students who had spent the day
y officials in observance of Youth in Government project held in cooperation with Optimist International's Youth
preciation Week.

Mr. William **Moore** on behalf of the Optimist Club thanked the City Council for making this observance
ible.

The City Manager presented the statement showing the budget position of the city for the period end
October 31, 1959.

The City Manager announced that the position of Director of Public Works is being reactivated in an
ication of a heavy increase in administrative work resulting from the extension of the city limits next year, and
he is appointing Mr. Charles W. Dermid to this position, and that Mr. Dermid will possibly begin his duties about
mber 1, 1959.

Councilman McRary stated he had received a report of rowdyism in the Teen Age Center in East Asheville, and
the City Manager advised that an immediate investigation would be made.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 19, 1959 - 4:00 o'clock P. M.

**The City Council met in regular session Thursday, November 19, 1959, at 4:00 o'clock P. M. with Mayor
Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, C. E. Morgan, J. W. McRary, W. F. Algary,
Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.**

**The minutes of the previous meeting were read and approved, with the correction that at said meeting
ilman Sumner had requested information concerning interest earned on invested funds from the Airport Bond Account.**

ANCE NO. 418 - AN ORDINANCE
ENDING ORDINANCE 412, BEING AN
ANCE LEVYING, ASSESSING, IM-
NG, AND DEFINING THE LICENSE
PRIVILEGE TAXES OF THE CITY
EVILLE FOR THE FISCAL YEAR
INNING JUNE 1, 1959 AND ENDING
31, 1960' RELATING TO DOGS

**Ordinance No. 418, being "AN ORDINANCE AMENDING ORDINANCE 412, BEING 'AN ORDINANCE LEVYING, ASSESSING,
TING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1,
AND ENDING MAY 31, 1960' RELATING TO DOGS", was, upon motion of Councilman Morgan, seconded by Councilman Sumner,
mously passed on its third and final reading with the following vote:**

**Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"**

ORDINANCE NO. 418

**ANCE AMENDING ORDINANCE 412, BEING "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND
EGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY 31, 1960" RELATING
GS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance 412, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE

LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1959 AND ENDING MAY
1960", be and the same is hereby amended by adding to Section 15 thereof to add to the appropriate ordinance,
Ordinance 398 referred to therein, the following classification:

DOGS. (Six months old or over)

Each, per annum (Female) - - - - - - - - - - - - - - - - -	$ 2.00
Each, per annum (Male) - - - - - - - - - - - - - - - - - -	1.00
Each, per annum (Spayed Female) - - - - - - - - - - - - -	1.00

The owner, keeper or custodian of a dog, upon payment of the license and privilege tax descr
above, shall receive a tag which shall be firmly attached to the collar which is required to be worn by all do
Any dog caught on the streets of the City of Asheville without a city license shall be impounded by a Dog Cont
Officer. If the owner, keeper or custodian thereof subsequently claims the dog, a fee of One Dollar per day f
board and keep of said dog shall be charged. Further, the license called for in this ordinance shall be paid
the dog is not called for within five days, the owner shall have no claim on said dog.

If the licenses on dogs are not paid within five days from date of notice, the owner or own
will be subject to a summons to the Police Court of the City of Asheville.

The City Tax Office, upon positive identification of a dog biting any person, shall notify
owner to confine said dog at a licensed veterinarian's for twenty-one days at the owner, custodian or keeper's
pense.

It shall be the duty of the owner, custodian or keeper of any female dog to notify the City
Office of any litter born to said female within ten days following said birth.

NOT PRORATED.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are he
repealed.

Section 3. That this ordinance shall be in full force and effect January 1, 1960.

I move the adoption of the foregoing ordinance, this 5 day of November, 1959.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Summer
COUNCILMAN

Read, approved and adopted, this 19 day of November, 1959, to become effective 1st day of J
1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Preslar moved that Ordinance No. 419, being "AN ORDINANCE AMENDING CHAPTER 2, AR
2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS 63, 64, 65, 66 AND 67
ING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF", be tabled permanently, which motion was seconded by
cilman Morgan and adopted with a dissenting vote.

Councilman Preslar then introduced Ordinance No. 420, being "AN ORDINANCE AMENDING CHAPTER
ARTICLE 2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS 63, 64, 65,
67 RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF", which was seconded by Councilman Morgan.

Councilman Sumner, a member of the drafting committee, stated that he was strongly opposed
inclusion in said ordinance of a provision that the Dog Control Officer impound dogs upon a sworn complaint
said provision could be the basis for starting neighborhood rows, and that said provision was not included
ordinance proposed by the drafting committee.

Councilman McRary concurred with Councilman Sumner in objecting to the ordinance as now w

Speaking in favor of stronger control measures were Max Polansky, Mrs. Irene Nolte, Mrs.
Washburn, and Mrs. Rozella W. Learn, and Mrs. Josephine McMillan.

Speaking in favor of the proposed ordinance were Read Wilson, Mrs. Bertha Hester, Mrs. Mar
Denehie, Mrs. Printz and Mr. W. W. Morrison. Mr. Read Wilson suggested that the requirement that the ordi
read on three separate days be dispensed with, and that the ordinance be passed on all three readings.

Following the discussion, a vote was taken and said Ordinance No. 420 passed on its first
ing with the following vote:

Councilman McRary voted "no"	Councilman Sumner voted "no"
Councilman Mulvaney voted "aye"	Councilman Algary voted "aye"
Councilman Preslar voted "aye"	Councilman Morgan voted "aye"

Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing member of the City of Asheville Board of Alco
lic Control, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book No. 3 at page 522.

The City Manager reported in regard to a request of Councilman McRary that an investigation had been
de of the report of rowdyism at the West Asheville Youth Center, and said investigation had not uncovered any inci-
nt that might have caused the complaint, but that the Director of Parks and Director of the Center are continuing the
estigation.

The City Manager reported in regard to Councilman Sumner's request concerning interest earned on in-
sted funds from the Airport Bond Account that to date the interest amounted to $9,722.22, and that at present $300,000
s invested on a Certificate of Deposit at the Wachovia Bank at 2½%, and it is anticipated that this sum will earn an ad-
itional $2,500, making a total of interest earned for invested funds of approximately $12,222.22.

Mr. Clarence Gilbert, representing a delegation from the Merrimon Avenue section, advised the Council
at the four-laning of Merrimon Avenue has led to excessive speeding and turned this thoroughfare into a serious traffic
ard. Also speaking against the new traffic layout were Gordon Bullock, A. B. Chandley, and Charles Krohn. This group
posed that Merrimon Avenue be restored to two-lane traffic.

The matter was referred to the City Manager and Director of Public Safety for a complete study and re-
, with a report to be made to the Council.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 26, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

Margaret Simmons
CITY CLERK

Thursday, December 3, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 3, 1959, at 4:00 o'clock P. M. with Mayor
W. Eller presiding. Present: Councilmen C. M. Preslar, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney,
y Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Metropolitan Planning Board requesting that early action be taken on
posed revisions of the city's housing and building codes and a proposed subdivision ordinance.

The City Manager advised that the Corporation Counsel is working on these measures, and they will be
sented to the Council at an early date.

A letter was received from Fletcher Lumber Company, Inc. requesting the rezoning of Lot #9 fronting
ding Circle, and Lots 17 through 17, inclusive, fronting on Busbee Street in Ward #4, from Residential to Commer-
l.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the rezoning of Lots 200-
and Lots 164-152 in Biltmore Township, Ward 7, Sheet 28, from Residential to Industrial.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the follow-
ing action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission rezone Lots 200-205 and Lots 164-152 in Biltmore Township, Ward 7, Sheet 28, from Residential to Industrial.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

This recommendation was accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same.

YOU

A communication was received from the Young Men's Christian Association of Asheville and Buncombe County requesting that this Association be considered to become a part of the proposed redevelopment area generally located north of the City-County Plaza.

December 3, 1959

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At its regular meeting on December 2nd, the Metropolitan Planning Board read with interest a communication from Mr. C. M. Preslar, President, Y. M. C. A. of Asheville and Buncombe.

The Planning Board is pleased to acknowledge such an expression of interest in the development of the proposed Civic Area project, and transmits Mr. Preslar's letter herewith for your information and appropriate action. A copy of the letter has been sent to the Redevelopment Commission.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond
Secretary

AR;nr
BN - AS - H 48
Encl:

November 24, 1959

Urban Redevelopment Commission
Metropolitan Planning Board
City Building
Asheville, North Carolina

Attention: Mr. John Hampton:

Dear Mr. Hampton:

The Executive Committee of the Young Men's Christian Association of Asheville and Buncombe County has requested that I write to you concerning the interest on the part of the Y.M.C.A. to be included in the Urban Redevelopment Program.

As we look to the future, we know that some major improvements of our present facility, or relocation, or remodeling and expansion are going to be absolutely necessary for the continued growth and development of the Y.M.C.A.

You may consider this letter as an expression of our deep interest in the Urban Redevelopment program, plus our interest in becoming a part of its development.

Sincerely yours,

S/ C. M. Preslar
C. M. Preslar
President

CMP:b

Following a discussion, the Council referred this request to the Urban Redevelopment Commission for consideration.

ORDINANCE NO. [illegible] - AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTION [illegible] AND INSERTING NEW SECTIONS IN LIEU THEREOF

Councilman Sumner again expressed his opposition to the proposed ordinance No. 420, stating that it would not give property owners and citizens the protection they want.

Several citizens were heard, speaking for and against the proposed ordinance.

Following the discussion Ordinance No. 420, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS 63, 64, 65, 66 AND 67 RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF", was upon motion of Councilman Preslar, seconded by Councilman Morgan, passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The Mayor announced that this is the date set for the public hearing on rezoning certain property [illegible] of Merrimon Avenue.

Following the public hearing, there being no opposition to said rezoning, Councilman Mulvaney introduced Ordinance No. 421, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman [illegible]ulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. James E. Civils, District Director of the National Safety Council, presented the Annual Inventory [illegible] Traffic Safety Activities, and gave a very comprehensive analysis of this report.

The City Manager advised the Council that in order to comply with F.A.A. requirements it is necessary [illegible] the city to zone the airport to protect its use for aircraft as well as protecting the inhabitants in the vicinity, [illegible] that a fifteen day notice is required before a public hearing on this matter.

Following a discussion Councilman Morgan moved that notice be published to hold a public hearing on [illegible]ember 31, 1959, and that an ordinance be prepared to be presented to the Council for consideration at this time, [illegible]ich motion was seconded by Councilman Preslar and unanimously adopted.

The City Manager advised that a complete study had been made of the Merrimon Avenue traffic problem, [illegible]luding a report by Wilbur Smith and Associates, traffic engineers, and that he recommended the pattern of four-lane [illegible]affic be discontinued, the major factor against its continuance being that of Merrimon Avenue's 10,000 foot length, [illegible]00 feet have no sidewalks, and this creates too great a safety hazard.

The City Manager further recommended that this action should be followed by immediate efforts to get [illegible] from the State Highway Department in widening Merrimon Avenue sufficiently to make four-lane traffic safe, including [illegible]g construction of sidewalks for the full length of the street.

The Council approved the report, Councilman Algary stating that emphasis should be placed on the responsibility of the State, and upon motion duly made and seconded, the City Manager was requested to take this matter up [illegible]h the State Highway Commission, in an effort to secure funds for this project.

There being no further business, the meeting was upon motion adjourned.

[illegible]

Margaret Sumner
CITY CLERK

Thursday, December 10, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 10, 1959, at 4:00 o'clock P. M. with Vice-[illegible]t P. M. Mulvaney presiding. Present: Councilmen W. F. Algary, J. W. McRary, C. E. Morgan, T. B. Sumner, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible] AN ORDINANCE [illegible] ARTICLE 2, OF [illegible] IN THE CODE [illegible] ASHEVILLE, BY R[illegible] [illegible]25, 65, 66 [illegible] DOGS AND INSERT[illegible] [illegible] THEREOF

Following a discussion, Ordinance No. 420, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, OF [illegible]ANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING SECTIONS 63, 64, 65, 66, AND 67 RELATING TO [illegible] AND INSERTING NEW SECTIONS IN LIEU THEREOF", was, upon motion of Councilman Preslar, seconded by Councilman Mor[illegible] passed on its third and final reading with the following vote:

Councilman McRary voted "no"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 420

[illegible]DINANCE AMENDING CHAPTER 2, ARTICLE 2, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY REPEALING [illegible]IONS 63, 64, 65, 66 AND 67 RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 63. Unlicensed Dog to be Taken Up, Section 64. Muzzle or Leash for
Section 65. Impounding of Dogs, Section 66. Vicious Dogs Running at Large, and Section 67. Person Keeping Dog
lation Hereof, of Article 2, Chapter 2 of Ordinance 298, known as The Code of the City of Asheville, be and
are hereby repealed, and in place of same the following sections are enacted:

Section 63. Dog Control Officer. The office of Dog Control Officer is hereby created, and
City Manager shall appoint, subject to Civil Service requirements, a resident of said city and a freeholder
the office so created at the same time as the other officers are appointed, who shall serve for the term and
such compensation as the City Manager may from time to time prescribe, and who may be removed for just cause
discretion of the City Manager. It shall be the duty of the Dog Control Officer to enforce the provisions
relating to dogs, and the pertinent provisions under "Dogs" set forth in the License and Privilege Tax Ordina
may from year to year be enacted.

Section 64. Violations. It shall be unlawful for any person, persons, firm or corporation
ing or harboring any dog or dogs in the city to allow the same to damage, destroy or remove any property of
private or public, or to disturb the peace. If the Dog Control Officer discovers or observes any dog in viol
of the above, he shall forthwith impound said dog or dogs and handle the same as provided in Section 65 of
dinance. Also, if the Dog Control Officer shall receive a sworn complaint of any person, firm or corporation
ting forth a violation hereof, he shall forthwith impound the dog or dogs identified in the complaint as prov
Section 65.

Section 65. Impounding of Dogs. Any dog or dogs which shall be found in violation of the
sions of Section 64 above, or which shall be found running at large by the Dog Control Officer without displ
the appropriate license tag, or if the owner shall be unable to prove payment of the license and privilege
quired for the keeping of said dog, shall be immediately seized and impounded at the place kept and maintain
such purpose. Any time within five days thereafter the owner, keeper or custodian of said dog may redeem th
by paying a fee of Five Dollars for the first day of said impounding, plus an additional fee of One Dollar p
thereafter for the expense of taking and keeping said dog, upon proof that the license and privilege tax req
ments have been met. Should said dog not be redeemed within the time hereinbefore prescribed the dog shall
to death by the Dog Control Officer in a humane manner with as little pain and suffering as is reasonably pos
and the same thereafter disposed of by the Dog Control Officer.

Section 66. Vicious Dogs Running at Large. It shall be unlawful for any person owning, k
or having in his or her possession, or under his or her control, any vicious, dangerous, biting or fighting
to allow such dog to run at large on any of the public streets, alleys, parks or other public place in the C
Asheville, and any person violating any of the provisions of this section, or in any way failing, neglecting
refusing to comply with the same shall pay a penalty of Ten ($10.00) Dollars for each and every such offense.

Section 67. Person Keeping Dog in Violation Hereof. Any person owning, keeping or harbor
any dog in the City of Asheville who shall violate any provisions of this Article in reference to dogs, shall
subject to a penalty of Five Dollars ($5.00) for each and every such offense.

Section 2. If any section, sub-section, sentence, clause or phrase of this ordinance is f
reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ord
The City Council hereby declares that it would have passed this ordinance and each section, sub-section, cl
phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or
be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are
repealed.

Section 4. That this ordinance shall be in full force and effect fifteen days from date
nal passage.

I move the adoption of the foregoing ordinance, this 19 day of November, 1959.

C. M. Preslar
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 10 day of December, 1959, to become effective 25 day of
1959.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 421, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BE
NANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, u
of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the fol
vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager called attention to the fact that the Metropolitan Planning Board has
that early action be taken on proposed revisions of the city's housing and building codes and a proposed
ordinance, and advised that these ordinances had now been prepared and were ready for consideration by the

ORDINANCE #422, AN ORDINANCE AMENDING
CHAPTER VII, ARTICLE 25, 'UNSAFE DWELLINGS',
OF ORDINANCE 298, KNOWN AS THE CODE OF THE
CITY OF ASHEVILLE, BY MAKING ADDITIONS AND/OR
DELETIONS TO SECTIONS 961, 962, 964, AND 968

Councilman Preslar introduced Ordinance No. 422, being "AN ORDINANCE AMENDING CHAPTER VII, ARTI-
LE 25, 'UNSAFE DWELLINGS', OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY MAKING ADDITIONS AND/OR
LETIONS TO SECTIONS 961, 962, 964, AND 968", which was seconded by Councilman Algary.

The ordinance was discussed by the Council, and Mr. John Hampton, Regional Planning Director, was
esent to answer questions. Following the discussion, said Ordinance was unanimously passed on its first reading
ith the following vote, Councilman Sumner casting his vote with the stipulation that he was reserving the right to
ange it on subsequent readings:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Councilman Morgan introduced Ordinance No. 423, being "AN ORDINANCE REPEALING ALL OF ARTICLE 1,
APTER III, ENTITLED 'BUILDING CODE' OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BEING SECTIONS
½ THROUGH 301½, INCLUSIVE, AS AMENDED, AND SUBSTITUTING THEREFOR THE NORTH CAROLINA STATE BUILDING CODE", which
s seconded by Councilman McRary.

The ordinance was discussed by the Council, and following the discussion said Ordinance was unani-
ously passed on its first reading with the following vote, Councilman Sumner casting his vote with the stipulation
at he was reserving the right to change it on subsequent readings:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Councilman Algary introduced Ordinance #424, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE
VELOPMENT OF REAL ESTATE SUBDIVISIONS", which was seconded by Councilman Preslar.

The ordinance was discussed by the Council, and following the discussion said Ordinance was unani-
ously passed on its first reading with the following vote, Councilman Sumner casting his vote with the stipulation
at he was reserving the right to change it on subsequent readings:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager reminded the Council that the city is operating on a temporary permit from the
ate Stream Sanitation Committee in dumping raw sewage into the French Broad River, and that a sewage disposal plant
s been scheduled for completion by 1963, and pointed out that eleven other public sewer systems in Buncombe County,
t of which inter-connect with the city system, are operating under the same temporary permits. Because of the inter-
nections the engineers have recommended a single disposal plant, and legal complications as to who will assume res-
nsibility must be worked out, in order that each unit have fair responsibility and at the same time make the bonds
gotiable.

The City Manager also pointed out that in order to meet the needs of the Water Department it is ne-
essary to construct a new transmission line.

The City Manager requested authority from the Council to get a report from bond attorneys for financing
ese two projects on a fair basis to all concerned, and advised that he had discussed this matter with Mr. Coke Candler,
o has agreed to assume the District's share of the cost of this financial report.

The Council discussed this matter at length, and Councilman Sumner opposed including the sewage dis-
al plan in this proposed report, stating it was his opinion this project would not have to be built for years and
did not see the need of including the financing survey of it at this time.

Following a full discussion Councilman Algary moved that the City Manager proceed with securing said
ancial report from the bond attorneys including both of said projects, and to negotiate the cost of said report, which
tion was seconded by Councilman McRary and adopted.

1959. The City Manager presented the audit report for the City of Asheville for the period ending September

1959. The City Manager presented the statement showing the budget position for the period ending November

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, December 17, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 17, 1959, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, C. M. Preslar, F. M. Mulvaney, J. W. McRary, Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Asheville Industrial Council commending the city on the pr of the new airport, and recommending that temporary facilities be installed at the Airport on completion of runway, so that the facility can go into operation without waiting for the completion of the permanent buil There was a further recommendation that early discussions be had with the airlines concerning schedules and

The City Manager advised that the final decision regarding use of the airport is up to th Aviation Agency, and as soon as a definite answer is received the Council will be informed. He also advise matter of carrier service is under consideration.

Ordinance No. 421 was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, mously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 421

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN NANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defi in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under th section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from RA-6 Residential to Neighborhood T Area:

Lots 34, 514, 602, Ward 9, Sheet 6, and that part of Lot 609 lying west of a line projected from the northeast corner of Lot 514 in a northerly direction to the southeast corner of Lot 602.

Section 2. That the office of the City Engineer is hereby authorized and directed to ma changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordina for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions o ordinance. The City Council hereby declares that it would have passed this ordinance and each section, su section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, ces, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and a by repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from dat final passage.

I move the adoption of the foregoing ordinance, this 3 day of December, 1959.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 17 day of December, 1959, to become effective 2 day of ary, 1960.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

In regard to Ordinance No. 422, being "AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 25, "UNSAFE ELLINGS", OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY MAKING ADDITIONS AND/OR DELETIONS TO CTIONS 961, 962, 964, AND 968, introduced by Councilman Preslar, and seconded by Councilman Algary, Councilman mner stated that he thought paragraphs 3 and 4 of said ordinance should be re-written and clarified, said para- graphs relating to minimum standards for sleeping areas, and also that paragraph 14 relating to cooking equipment ould be stricken out.

Following a discussion on this matter a vote was taken on said ordinance passed on its second reading as follows:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "no"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 423, being "AN ORDINANCE REPEALING ALL OF ARTICLE 1, CHAPTER III, ENTITLED 'BUILD- NG CODE' OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BEING SECTIONS 244 THROUGH 301½, INCLUSIVE, S AMENDED, AND SUBSTITUTING THEREFOR THE NORTH CAROLINA STATE BUILDING CODE", was, upon motion of Councilman Mor- an, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 424, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE IVISIONS", was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously passed on its sec- nd reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution closing an unopened roadway running from Kimberly Ave- ue east to an alleyway, which was seconded by Councilman Preslar.

During the discussion on this matter Councilman Sumner suggested that publicity be given so that ther property owners in the vicinity may have an opportunity to object if they desire. Following the discussion, id resolution was unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3 at page 523.

The following Resolution was introduced by Councilman Frank Mulvaney, seconded by Councilman W. F. arry, read in full, considered, and unanimously adopted:

Resolution accepting the Amendment No. 2 to Grant Agreement No. C2ca-5509-A dated December 17, 59 made by the Administrator of Federal Aviation Agency on behalf of the United States of America to the City of heville in the sum of not to exceed $271,616.25, as an aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville, of North Carolina:

Section 1. That the City of Asheville hereby accepts, on its own behalf, the Amendment No. 2 to nt Agreement No. C2ca-5509-A made by the Administrator of Federal Aviation Agency on behalf of the United States America dated December 17, 1959 to the City of Asheville in the sum, for the purposes and subject to the conditions t forth below.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the accept- ce of the Amendment No. 2 to Grant Agreement No. C2ca-5509-A in quintuple on behalf of the City of Asheville and rgaret Simmons, the City Clerk, is hereby authorized and directed to impress the official seal of the City of heville, North Carolina and to attest said execution.

Section 3. That the Amendment No. 2 to Grant Agreement No. C2ca-5509-A referred to herein above as follows and when accepted shall constitute the Grant Agreement:

FEDERAL AVIATION AGENCY
REGION 2
Fort Worth, Texas

Page 1 of 2 Pages

Contract No. C2ca-5509-A
Asheville Airport
Asheville, North Carolina
Project No. 9-31-024-5801

AMENDMENT NO. 2 TO GRANT AGREEMENT

WHEREAS, the Regional Administrator for Region 2 of the Federal Aviation Agency (hereinafter referred to as "Regional Administrator") has determined it to be in the interest of the United States of America that the Agreement between the Administrator of Civil Aeronautics, acting for and on behalf of the United States, and City of Asheville, North Carolina (hereinafter referred to as the "Sponsor"), accepted by said Sponsor on the day of April, 1958, relating to the Asheville Airport, Project No. 9-31-024-5801, as amended by Amendment No. dated September 11, 1958, be further amended as hereinafter provided.

NOW, THEREFORE, WITNESSETH:

That, in consideration of the benefits to accrue to the parties hereto, the United States of America on the part, and the Sponsor, on the other part, do hereby mutually agree that the maximum amount of the obligation the United States payable under the said Grant Agreement, as stated in Paragraph 1, Page 2 thereof, is hereby increased from $250,000.00 to $271,616.25.

It is further understood and agreed that the terms "Administrator of Civil Aeronautics", "Administrator", "Civil Aeronautics Administration", "Department of Commerce", and "CAA", wherever they appear in the said Grant Agreement and in the Project Application, plans and specifications and any other documents constituting a part of the Grant Agreement, shall be deemed to mean the Federal Aviation Agency or the Administrator thereof, as the case may be.

The first sentence of Paragraph 3 of the Sponsor's Assurances contained in Part III of the Project Application shall be considered amended by deleting the words "Section 303 of the Civil Aeronautics Act of 1938, as amended and substituting therefor the words "Section 308(a) of the Federal Aviation Act of 1958 (72 Stat. 750)".

Page 2 of 2 Pages

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the said Grant Agreement to be duly executed as of the 17 day of December, 1959.

UNITED STATES OF AMERICA

By J. B. Jaynes
Regional Administrator, Region 2
Federal Aviation Agency

(SEAL)

CITY OF ASHEVILLE, NORTH CAROLINA

Attest: S/ Margaret Simmons

By S/ E. W. Eller

Title: City Clerk

Title Mayor

CERTIFICATE OF SPONSOR'S ATTORNEY

I, O. E. Starnes, Jr., acting as Attorney for City of Asheville (hereinafter called the "Sponsor"), do hereby certify:

That I have examined the foregoing Amendment to Grant Agreement and the proceedings taken by the Sponsor relative thereto and find that the acceptance thereof by the Sponsor has been duly authorized, that the execution thereof is in all respects due and proper and in accordance with the laws of the State of North Carolina, and further that in my opinion, said Amendment to Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Asheville, N. C., this 17 day of December, 1959.

O. E. Starnes, Jr.

Title Corporation Counsel

I move the adoption of the foregoing resolution.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 17th day of December, 1959.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of said resolution will also be found in Resolution Book #3 at page 524.

A resolution approving application of processor of agricultural products for use of water process of three million gallons per month, and establishing rate therefor pursuant to Ordinance #404, was introduced by Councilman McRary, and seconded by Councilman Mulvaney.

The matter was discussed by the Council, and following the discussion a vote was taken on the resolution unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3 at page 526.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, December 24, 1959 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

CITY CLERK

Thursday, December 31, 1959 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 31, 1959, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, C. M. Preslar, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 422, being "AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 25, 'UNSAFE DWELLINGS' OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY MAKING ADDITIONS AND/OR DELETIONS TO SECTIONS 961, 962, 964, AND 968", was, upon motion of Councilman Preslar, seconded by Councilman Algary, considered on its third reading.

Councilman Sumner again opposed the passage of this ordinance, stating it was his opinion the housing code requirements for "approved" cooking equipment was an invasion of private rights.

Following the discussion said ordinance was passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 422

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 25, "UNSAFE DWELLINGS", OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BY MAKING ADDITIONS AND/OR DELETIONS TO SECTIONS 961, 962, 964, AND 968

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 961 of Chapter VII, Article 5, of Ordinance 298, known as The Code of the City of Asheville, be and the same is hereby amended to add at the end thereof the following sub-sections:

(f) "Basement" shall mean a story having a clear height of at least 7½ feet from finished floor to finished ceiling, the floor level of which is below finished grade but not more than four feet below the average finished grade, having floor and walls of approved construction incorporating vapor barriers where recommended.

(g) "Cellar" shall mean any area not a basement between the ground floor and finished grade beneath a structure, including unfinished excavations and crawl spaces.

(h) "Dwelling Unit" shall mean a room or group of rooms used or intended to be used as a single habitable unit for living, sleeping, cooking, and eating purposes.

(i) "Habitable Room" shall mean a room used or intended to be used for living, eating or sleeping; and includes kitchens and basement rooms, but does not include bathrooms, toilet compartments, laundries, sewing and storage pantries, corridors, or cellars.

(j) "Rooming unit" shall mean a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Section 2. That Section 962 of Chapter VII, Article 5, of Ordinance 298, known as The Code of the City of Asheville, be and the same is hereby amended by adding the following sub-sections at the end thereof:

962A. Responsibility of Owner. Every dwelling shall be maintained in good repair by the owner or his agent.

962B. Responsibility of Occupant. Every dwelling and every part thereof shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, and shall be kept free from vermin or rodent infestation. All yards, lawns and courts shall be kept clean and free from rodent infestation. It shall be the duty of each occupant of a dwelling to keep in a clean condition that portion of the property which he occupies and over which he has exclusive control.

Section 3. That Section 964 of Chapter VII, Article 5, of Ordinance 298, known as The Code of the City of Asheville, be and the same is hereby amended by changing the caption thereof to read as follows:

Orders for Cleanup, Repairs or Demolition.

That said Section 964 hereof be and the same is hereby amended by adding sub-section (3) at the end thereof as follows:

(3) To abate any of the nuisances outlined in sub-section 962B.

Section 4. That Section 964 of Chapter VII, Article 5, of Ordinance 298, known as The Code of the City of Asheville, be and the same is hereby amended by adding at the end thereof the following:

964A. Penalties for non-compliance. Failure of any person to comply to an order of the Housing Inspector within the specified time shall be deemed a violation of this ordinance. Any person convicted of such violation shall be subject to a fine not exceeding $50.00, with each day's violation constituting a new and separate offense.

Section 5. That Section 968 of Chapter VII, Article 5, of Ordinance 298, known as The C... of the City of Asheville, be and the same is hereby amended by deleting therefrom sub-sections (c) through (... inclusive, and in lieu thereof inserting the following:

(c) When the following standards are not met:

1. Exits. There shall be for each dwelling a separate access either to a hallway, ... ing, stairway or street.

2. Lighting and ventilation. Every habitable room in a dwelling or dwelling unit ... contain a window or windows in walls not less than three feet from a property line nor less than six feet f... adjacent outside wall, opening directly to the outside air, and the total area of such window or windows sh... be less than 10 per cent of the floor area of such room. Every water closet or bathroom shall be provided ... adequate light and ventilation. All window sash shall be glazed and provided with suitable hardware, and sh... made open to the extent of not less than 5 per cent of the floor area of such room.

3. Sleeping rooms. No room shall be used for sleeping purposes unless there are ... least four hundred (400) cubic feet of air space and 50 square feet of floor space for each adult and at le... two hundred (200) cubic feet of air space and 30 square feet of floor space for each child under the age of ... occupying such room. No room used for sleeping purposes shall have a floor area of less than 70 square feet...

4. Overcrowding. The occupancy of any dwelling unit having more than one habitab... shall not exceed an average of one and one-half persons per habitable room. For the purpose of this regula... any child under one year of age shall not be counted and any child more than one year old but under twelve ... of age shall be deemed to be one-half person.

5. Basement or cellars. The basement or cellar of any dwelling shall be dry and ... lated and shall be kept free from rubbish accumulation and rodent infestation.

6. Dampness. The floors and walls of every dwelling and every dwelling unit shall ... kept free from dampness.

7. Drainage. All courts, yards, or other areas on the premises of every dwelling ... be properly graded and drained.

8. Heating. Every dwelling and every dwelling unit shall be weather proof and ca... of being adequately heated, and the heating equipment in every dwelling or dwelling unit shall be maintained ... good order and repair, and shall be of an approved type.

9. Electrical outlets. Every room shall be provided with sufficient electrical ou... to service appliances and lighting fixtures used or intended to be used, but in no case shall there be less ... one duplex electrical outlet in each room.

10. Toilet facilities. Every dwelling unit shall be equipped with a flush water cl... located within a room affording privacy and separate from habitable rooms. In rooming units, one lavatory, ... flush water closet, and one bathtub or shower shall be provided for each ten persons or fraction thereof.

11. Lavatory and bathing facilities. Every dwelling unit shall be equipped with a... tory, supplied with running water, and a bath or shower, supplied with running water, located within a room ... rooms affording privacy and separate from habitable rooms.

12. Plumbing fixtures. All lavatories, baths, showers, water closets, and other p... ing fixtures in every dwelling or dwelling unit shall be installed and maintained in good condition and repa... All such plumbing fixtures shall be connected to an approved water supply system and an approved sewage dis... system.

13. Kitchen sink. Every dwelling unit shall be equipped with a kitchen sink, supp... with running water.

14. Cooking Equipment. All apparatus, implements, or devices used for cooking of f... shall be maintained in good order and repair, and shall be of an approved type.

15. Cooking of food prohibited in sleeping rooms. Where more than two persons occ... any dwelling unit, food shall not be prepared or cooked in any room used for sleeping purposes.

16. Garbage, Rubbish and ash receptacles. Every dwelling and every dwelling unit ... be provided with such receptacles to contain all garbage, rubbish and ashes as may be necessary, and all s... ceptacles shall at all times be maintained in good order and repair. Receptacles for garbage shall be ... tight and provided with tight covers.

Section 6. If any section, sub-section, sentence, clause or phrase of this ordinance ... any reason held to be invalid, such decision shall not affect the validity of the remaining portions of thi... dinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-... clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences ... or phrases be declared invalid.

Section 7. That all ordinances and clauses of ordinances in conflict herewith be and ... by repealed.

Section 8. That this ordinance shall be in full force and effect fifteen days from da... final passage.

I move the adoption of the foregoing ordinance, this 10th day of December, 1959.

C. M. Preslar
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 31 day of December, 1959, to become effective 15 day ... January, 1960.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Ordinance No. 423, being "AN ORDINANCE REPEALING ALL OF ARTICLE 1, CHAPTER III, ENTITLED 'BUILD... ING CODE' OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BEING SECTIONS 244 THROUGH 301½, INCLUSIVE, ... AS AMENDED, AND SUBSTITUTING THEREFOR THE NORTH CAROLINA STATE BUILDING CODE, was, upon motion of Councilman Morgan, ... seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 423

AN ORDINANCE REPEALING ALL OF ARTICLE 1, CHAPTER III, ENTITLED 'BUILDING CODE" OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, BEING SECTIONS 244 THROUGH 301½, INCLUSIVE, AS AMENDED, AND SUBSTITUTING THEREFOR THE NORTH CAROLINA STATE BUILDING CODE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Sections 244 through 301½, inclusive, as amended, known as the Building Code, of ... Article 1, Chapter III, of Ordinance 298, known as The Code of the City of Asheville, be and the same are hereby re... pealed, and in place of the same there is hereby adopted that certain Building Code known as the North Carolina State ... Building Code prepared and adopted by the North Carolina Building Code Council pursuant to the provisions of the Gen... eral Statutes of North Carolina 143-136, et seq., together with all amendments thereto. The same is hereby adopted ... and incorporated as fully as if set out at length herein, and not less than three copies of said North Carolina State ... Building Code have been and are now filed as public records in the office of the Clerk of the City of Asheville. The ... provisions of said North Carolina State Building Code shall apply to all buildings and structures within the city, ... including the following:

(a) Dwellings; and outbuildings used in connection therewith.

(b) Apartment buildings used exclusively as the residence of not more than two families.

(c) Temporary buildings or sheds used exclusively for construction purposes, not exceeding twenty feet in any direction and not used for living quarters.

Section 2. If any section, sub-section, sentence, clause or phrase of this ordinance is for any ... reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. ... The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and ... phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases ... be declared invalid.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby ... repealed.

Section 4. That this ordinance shall be in full force and effect fifteen days from date of final ... passage.

I move the adoption of the foregoing ordinance, this 10th day of December, 1959.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 31 day of December, 1959, to become effective 15 day of January, ... 1960.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

ORDINANCE NO. 424 - AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS

Ordinance No. 424, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE ... SUBDIVISIONS, was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously passed on its third ... and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 424

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE DEVELOPMENT OF REAL ESTATE SUBDIVISIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Purpose. Pursuant to the powers contained in Chapter 169 of the Public-Local and Pri... ... Laws of North Carolina, Extra Session, 1921, as amended, the Council of the City of Asheville, hereby establishes

procedures and standards for the subdivision of lands, including the location of lots, streets and sidewalks for the purpose of providing for sound, orderly, urban development within the corporate limits of the City to a boundary line equidistant from the corporate limits of any other municipality, but in no event to exceed beyond one mile; and for the purpose of providing proper public land records for the permanent location of estate boundaries.

Section 2. Council Approval of Subdivisions. No subdivisions will be considered for approval of Council unless a preliminary plat has been submitted for review by the City's Planning Commission and said Commission has submitted to Council in writing a statement that recommendations, if any, have been complied with in the final plat. Building permits shall not be issued for structures located in a subdivision involving street dedication subsequent to March 31, 1960 unless such subdivision is recorded in the Office of the Buncombe County Register of Deeds.

Section 3. Subdivisions not Approved. Should any lands, lying within the jurisdiction of these regulations, be subdivided and streets and sidewalks laid out without the approval of the Council, upon the incorporation of such subdivision into the limits of the City of Asheville, the City shall have the right to extend its streets and sidewalks into or through said subdivision in conformity with the general plan of the City; and there shall be no damage recovered against the City for so extending its streets and sidewalks and for purchase or condemnation value of lands so taken without regard to improvements or betterments placed thereon in contravention of these regulations.

Section 4. Council Approval for Group Housing Developments. A group housing project consisting of one or more structures situate on a site of three or more acres, the development of which would lend itself to subsequent extension of public streets and sidewalks, shall be submitted for review and approval in the same manner as other plats before building permits can be issued. City Council may vary the application of these regulations, if in its opinion, the intent of these regulations is complied with.

Section 5. Definitions

(a) Subdivisions - the division of land involving the dedication of a new street or change in existing streets for the purpose of immediate or subsequent sale or development; provided, that the following shall not be included in this definition nor be subject to the provisions of these regulations:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots comply with the standards of this chapter and any applicable zoning regulation;

(2) The division of land into parcels greater than five acres where no street right of way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract of land, not a typical lot in a recorded subdivision, and in one undivided ownership, whose entire area is no greater than two acres, to be divided into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this chapter and of any applicable zoning regulations.

(b) City Council - the Council of the City of Asheville, North Carolina.

(c) Planning Commission - the Planning Commission of the City of Asheville, North Carolina.

Section 6. Procedure for Securing Approval of Subdivisions. Two copies of a preliminary plat, prepared in accordance with the General Requirements and Minimum Standards of Design in Section 9 of these regulations shall be submitted to the Office of the Planning Commission at least ten (10) days prior to a regularly scheduled meeting of the Planning Commission if the plat is to be placed on the agenda for the next meeting. Prior to the Commission's taking action on the plat, it will receive reports from the Director of Public Works or his designee, and the Planning Director certifying compliance with or noting deviations from the requirements of these regulations. Should the planning Commission fail to take action on the plat within forty-five (45) days the subdivider may seek preliminary approval at the City Council's next regular meeting. Within one year after date of preliminary review, the final plat incorporating the recommendations of the Planning Commission shall be submitted for final review.

The owner or subdivider shall submit an original linen tracing, one print on cloth and two blueprint copies of the final plat all properly signed and executed as required for recording in the office of the Register of Deeds of Buncombe County along with the necessary probate and recording fees to the Planning Office at least seven days prior to a regularly scheduled meeting of the Council. If street and utility improvements are to be installed by petition, the plat shall be accompanied by the properly executed petitions as provided for in subsection 7(d) of this chapter. Council shall receive a report certifying compliance with the requirements of this chapter from the Director of Public Works, City Attorney, and Planning Director before granting final approval to a subdivision plat.

Section 7. Installation of improvements for plats within City Limits. No improvements shall be made until detailed plans for such improvements have been approved by the Director of Public Works, or his designee.

(a) All streets in or adjoining the proposed subdivision, when located within the city limits, shall be graded to the full width of the right-of-way and improved with storm drainage, curb and gutter and street paving before the plat is eligible for final approval by the City Council unless appropriate petition concerning the required improvements is provided as described in § 7(c) and 7(d). Any required sidewalk shall have at least a five-foot concrete walk constructed therein. All plans and specifications for drainage, and street improvements and the work performed thereunder shall be inspected and approved by the Department of Public Works. Any necessary variance of the requirements of this subsection may be granted only by City Council.

(b) Water and sewer services. Any subdivision, located within the city limits, which has either public water or public sewer systems or both available or to be made available for extension within 200 feet of its boundary, shall have such available systems extended to provide service to each lot in the subdivision before the plat shall be eligible for final approval. Subdivisions without either or both of these utilities may be approved if lot sizes are provided as set forth in Section 8.

(d) Bonds and certificate to ensure improvements. Where the improvements required in subsection 7(a) and 7(b) above have not been completed prior to the submission of the plat for final approval of said plat shall be subject to the owner or owners filing a surety bond or a corporate surety bond in an amount to be determined by the Department of Public Works, with sureties satisfactory to the city, ensuring the installation of street improvements, storm drains and water and sewer lines within a specified time.

(d) Petition for sewer, water and street improvements. The required sewer, water and curb and gutter improvements need not be installed prior to final approval of the plat if a sufficient petition as provided by law is submitted at the same time that the plat is submitted for final approval. Approval and recordation of the final plat shall be accomplished before adoption of the final resolutions ordering the installation of the improvements covered by the petitions.

Section 8. Utilities for plats beyond the City Limits. Owners of subdivisions located beyond the city limits are encouraged to consider the provisions of public water and sewer services to each lot in order to take advantage of the lot size permitted where such services are available. No plat that fails to comply with all of the requirements of this chapter shall be served by the sewer and water systems of the City of Asheville. Nothing in this chapter shall be construed as obligating the city to furnish public water and sewer services to any developments beyond the city limits. Lots lacking water or sewer or both shall be of a size approved by the Buncombe County Health Department and so certified.

Section 9. General requirements and minimum standards of design. All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the entire neighboring area and shall bear a sensible relationship to the existing or amended plans of the Planning Commission. Resubdivision of a lot or parcel of land in an existing recorded subdivision will be approved by the City Council only in those cases where it is clearly shown that such resubdivision will not in any manner be detrimental to the neighboring area or plan. Whenever a tract to be subdivided embraces any part of a thoroughfare, boulevard, or parkway, so designated by the Planning Commission, such part of such proposed public way shall be platted by the subdivider in the location and to the width recommended by the Planning Commission and approved by the City Council. The proposed subdivision shall take advantage of, and be adjusted to, the contour of the land so as to produce usable lots and streets of reasonable gradient.

(a) Relation of proposed street to adjoining street system. The proposed street system shall extend existing streets or projects at the same or greater width, but in no case less than the required minimum width. Where in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property.

(b) Street Names. Proposed streets, which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix: street, avenue, boulevard, drive, place, or court.

(c) Minimum street widths. The minimum width of proposed streets, roads, and alleys, measured from lot line to lot line shall be:

Major arterial streets which serve or may serve heavy local traffic and a major State or Federal Highway	150 feet
Major arterial streets which now serve or may serve heavy traffic in the metropolitan area	100 feet
Arterial streets connecting important divisions of the entire metropolitan area	70 feet
Local service streets which have, or may have in the future, a continuous alignment more than one mile in length.	60 feet
All local service streets located beyond the corporate limits of the City of Asheville	60 feet
All other local service streets	50 feet
Alleys	20 feet

(d) Maximum street grades. Grades on street profiles shall be as approved by the Department of Public Works but in no case shall exceed 8% for arterial streets and roads or 12% for other streets.

(e) Horizontal curves. Where a deflection angle of more than 10 degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 70 feet or more in width, the center line radius of curvature shall not be less than 300 feet; on other streets, not less than 100 feet.

(f) Vertical curves. All changes in grade shall be connected by vertical curves of minimum length equal to fifteen times the algebraic difference in rates of grade for arterial streets and half this minimum length for local service streets.

(g) Intersections. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than 45 degrees. A leveling area not less than 20 feet in length shall be provided on each leg of the intersection where grades occur.

(h) Corner radii. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. In no case shall intersections be designed which will not permit the construction of a curb with a radius of less than twenty feet.

(i) Dead-end streets. In general streets designed to have one end permanently closed (cul-de-sac) shall be avoided unless it is clear that a through street is not essential to the street system in the area. Where such streets are used, they shall terminate in a circular area of public right-of-way having a minimum property line radius of fifty feet and, in addition, space for adequate parking bays shall be provided.

(j) Alleys. A reservation or easement for an alley to the rear of business lots may be required provided that a comprehensive plan for the entire block in which the property is located establishes the need for such reservation or easement. Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys.

(k) Block length. Blocks shall not exceed 1600 feet in length. A crosswalk or pedestrian way, not less than ten feet in width shall be provided near the center, and entirely across, any block that is more than 1200 feet in length.

(l) Block width. Blocks shall be at least wide enough to allow two tiers of lots of minimum depth, except where prevented by topographical conditions, or the size of the property. However, a single tier

of lots may be used adjoining a major thoroughfare when access is provided from a minor interior street.

(m) Lot dimensions. The size, shape and orientation of lots shall be appropriate the location of the proposed subdivision and for the type of development contemplated, and shall conform to following:

(1) Every lot or parcel of land shall abut a public street.

(2) Insofar as practical, side lot lines shall be right angles to straight street lines or radial to curved street lines.

(3) Lots intended for business uses only may be arranged in convenient units of w and to a depth that is appropriate to the development contemplated.

(n) Building setback lines. The depth of building setback lines for residential shall not be less than 25 feet and in the case of corner lots, 15 feet from the side street. On plats with force and effect of any current zoning ordinance, building setback lines shall in no case be less than the front and side yard requirements of such zoning ordinance.

(o) Utility easements. To provide for public service poles, conduits, sewers or lines (but not both), an easement not less than ten feet wide, five feet on each side of the common rear l or in other locations where necessary, shall be provided. If both sewer and water lines are to be located easements, a width of at least 15 feet shall be provided. No building or other obstruction shall be erect no trees or shrubbery shall be planted on any easement required under this regulation other than fences and of a type approved by the Department of Public Works.

(p) Sites for public uses. In subdividing property, due consideration shall be by the subdivider and the Planning Commission to the designation of suitable sites for schools and other p uses. Such provision should be indicated on the preliminary plan in order that it may be determined when what manner such areas will be dedicated or acquired. A fee simple deed granting to the City of Asheville areas on said plat dedicated for parks shall accompany all final plats; provided that in the event the pl not approved by the City Council, the accompanying deeds shall be deemed to be not accepted by the City, be returned to the grantor or grantors.

(q) Variances. Where the subdivider can show that a provision of these regulati would cause unnecessary hardship if strictly adhered to and where, because of topographical or other condi peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying intent of such provisions, the Planning Commission may recommend and the City Council authorize a variance variance thus authorized is required to be entered in writing in the minutes of the City Council and the re ing on which departure was justified set forth.

Section 10. The Preliminary Plat. The preliminary plat shall be drawn at a scale of n than two hundred (200) feet to the inch and shall show the following on one or more sheets:

(a) The subdivision name, the names and addresses of the owner or owners and the designer of the plat.

(b) Date, approximate north arrow and scale.

(c) The boundary line of the tract to be subdivided drawn accurately to scale a accurate linear and angular dimensions.

(d) Contours with a vertical interval of two feet referred to sea level datum, that contours shall be required only in subdivisions involving new street right-of-way dedications.

(e) The location of existing and platted property lines, streets, buildings, wat courses, railroads, bridges, water mains, sewers, culverts, drainpipes and any p utility easements, both on the land to be subdivided and on the land immediately ing. The names of adjoining subdivisions or the names of record owners of adjoi parcels of unsubdivided land.

(f) The names, proposed location, and approximate dimensions of proposed streets easements, parks, and other open spaces, reservations, lot lines, and building l This information should be graphical only and not requiring detailed computations field work over and above that required to obtain the information listed next abo

(g) When deemed necessary, profiles of all streets showing natural and finished drawn to a scale of not less than one inch equals forty feet vertical.

(h) Preliminary plans of proposed utility layouts (sewer, water, and storm dra showing feasible connections to existing and proposed utility systems.

(i) Where public water or public sewer is not available for extension to each l subdivision, a written statement from the County Health Department shall be sub with the preliminary plat indicating that each lot has adequate land area and t to accommodate the proposed methods of water supply and sewage disposal.

(j) If the proposed subdivision does not lie within the force and effect of an ing zoning ordinance, the preliminary plat shall be accompanied by a copy of any deed restrictions or restrictive covenants.

Section 11. The Final Plat. The final plat shall be drawn in black ink upon tracing in sheets either 15 x 20 inches or 20 x 30 inches, to a scale of not less than one hundred feet equals o It shall contain the following:

(a) The exact boundary of the tract of land being subdivided showing clearly t position of all portions of the tract into designated tracts, lots, streets, al parks or other classification, the exact location and width of all existing or streets intersecting the boundary of the tract being subdivided, and the names ing subdivisions or the name of record owners of adjoining parcels of unsubdivi

(b) The lines and names of all streets, alley lines, lot lines, building lines ments, areas devoted to public use, with notes stating their purposes and lot numbers.

(c) A note shall appear on the final plat stating the deed reference under wh is held to the property being subdivided.

(d) Sufficient data to determine readily and reproduce accurately on the grou

location, bearing, and length of every street and alley line, lot line, easement boundary line, block line, and building line whether straight or curved. This shall include tangent distance, the central angle, the radius, arcs, and chords of all curves. All linear dimensions shall be given in feet and hundredths thereof and angular dimensions shall be of comparable accuracy within the limits of good surveying practice.

(e) The accurate location, material, and size of all monuments and the designation of specific control corners in conformance with the letter and intent of G. S. 1947, Chapter 816, as amended.

(f) A title, including the name of the subdivision, the city, the name of the licensed engineer or surveyor under those supervision the plat was prepared, the date of the plat, north arrow, and scale.

(g) A Certificate of Ownership and Dedication properly completed and signed by the owners, and all other interested parties, similar in wording to the following:

"I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and hereby dedicate(s) to public use as streets, playgrounds, parks, open spaces, and easements, all areas so shown or indicated on said plat.

_____, 19_____. Signed: _____."
Date

(h) A form for the endorsement of the City Council which shall contain a provision that the approval of the City Council is conditioned upon the plat being registered in the Office of the Register of Deeds of Buncombe County within Thirty (30) days from the date of such approval. This form shall be similar to the following:

"Approved by the City Council of the City of Asheville, N. C. on the _____ day of _____, 19_____; provided that the plat is registered in the office of the Register of Deeds of Buncombe County, N. C. within thirty days from date of this approval.

Signed: _____
City Clerk"

(i) The proper certificates of the engineer or surveyor, Notary Public and the Probate Clerk as required by State law.

Section 12. Separability. Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 13. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 14. This ordinance shall take effect and be in effect from and after fifteen (15) days from date of final passage.

I move the adoption of the foregoing ordinance, this 10 day of December, 1959.

W. F. Algary
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved and adopted 31 day of December, 1959, to become effective 15 day of January, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

BOARD OF TRUSTEES OF FIREMEN'S R... FUND - APP... MENT OF MEMBER (... Soiter

Councilman Morgan introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of said resolution will also be found in Resolution Book 3 at page 527.

In this connection Councilman Morgan moved that a letter be written Mr. Gerald Cowan expressing the appreciation of the Council for his many years of faithful service as a member of this Board, which motion was duly seconded and unanimously adopted.

QUIT-CLAIM DEED - ROSELLA F. ... HAYNES

Councilman Sumner introduced a resolution authorizing Mayor to execute quit-claim deed to Rosella F. Haynes, which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3 at page 528.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

THIS QUIT-CLAIM DEED, made and entered into this 31st day of December, 1959, by and between CITY OF ASHEVILLE, a municipal corporation existing under and by virtue of the laws of the State of North Carolina, hereinafter referred to as GRANTOR, and ROSELLA F. HAYNES, hereinafter referred to as GRANTEE;

W I T N E S S E T H:

THAT WHEREAS, by deed dated November 11, 1943 the City conveyed certain property described therein

as Lots 149, 150, 151, 152, 153 and 50½, Sheet 2, Ward 2 in the City of Asheville; and

WHEREAS, by resolution entered by the Council at its regular meeting on December 31, 19[illegible] the Mayor was authorized and directed to execute a quit-claim deed for and on behalf of the City to Lots 13, 14, 15, 16, 17 and 18, Plat Book 14, page 18, as registered in the office of the Register of Deeds for Buncombe County, North Carolina, for the purpose of correcting said prior deed;

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, the said Grantor has bargained, sold, conveyed and quit-claimed, and by these presents does bargain, sell, convey and quit-claim unto the said Grantee, her heirs and assigns forever, all its right, title and interest in and to those certain lots lying and being in the County of Buncombe, State of North Carolina, and being more particularly described as follows:

Lots 13, 14, 15, 16, 17 and 18, Plat Book 14, page 18, as registered in the office of the Register of Deeds for Buncombe County, N. C.

TO HAVE AND TO HOLD the above described land and premises, together with all the rights and appurtenances thereunto belonging, or in any wise appertaining, unto the said Grantee, her heirs and assigns, to the only use and behoof of her and her said heirs and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by E. W. Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its corporate seal to be hereunto affixed, this the day and year first above written.

ATTEST:

CITY OF ASHEVILLE

S/ Margaret Simmons
CITY CLERK

By S/ E. W. Eller
MAYOR

State of North Carolina,
County of Buncombe.

This the 31st day of December, 1959, personally appeared before me, a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed quit-claim deed is the corporate seal of said corporation, and that the said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said E. W. Eller acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public

The City Manager announced that this is the date set for the public hearing on the rezoning of certain property in Biltmore Township, Ward 7, Sheet 28.

Following the public hearing, there being no opposition to said rezoning, Councilman [illegible] introduced Ordinance No. 425, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager announced that this is the date set for the public hearing on the [illegible] ordinance regulating the height of structures in areas surrounding the new Asheville Airport. Mr. John [illegible] Airport Engineer, was present to explain the provisions of the ordinance.

Following the public hearing, there being no opposition to said zoning, Councilman [illegible] introduced Ordinance No. 426, being "AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE ASHEVILLE [illegible] BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES; ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES, which was, upon of Councilman Algary, seconded by Councilman Preslar, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

In connection with the new Airport the City Manager advised that it is the interpretation of the Airport Engineer if Congress approves the Federal Aviation Agency budget as presented Asheville can expect installation of the instrument landing system sometime after July 1, 1960; and that the approach landing system has been requested out of Federal funds for the year 1962 and this system might possibly be installed sometime after July 1, 1961, which system is an aid to the instrument landing system but it is not necessary that both be installed at the same time.

The City Manager reported that bids had been received on two new fire trucks for the newly annexed area, the total bids for the two trucks being $33,472 from the American LaFrance Company, which trucks are of the type recommended by the Fire Department and approved by the Board of Fire Underwriters, and that delivery will be made within 120 days.

On the subject of annexation the City Manager reported to the Council that the City has the responsibility as of January 1, 1960 of providing service to the recently annexed area, which services are required to be furnished on July 1, 1960, and that there are certain services the City expects to start at once, the following being the timetable of services:

1. Water and sewer - new service for which fees are paid - immediately

2. Maintenance of water and sewer in annexed areas, exclusive of Woodfin, can be absorbed in present operations.

3. Some areas will receive reduced water rate as of January 1, 1959.

4. Building, electrical and heating permits will be required as of January 1st, and in this connection there is the question of zoning the entire annexed area. Maps have been prepared, and the City Manager suggested that the Council request the Planning and Zoning Commission to immediately commence public hearings on zoning these areas and make recommendations to the Council as rapidly as possible.

Councilman Morgan moved that the Planning and Zoning Commission be so requested, which motion was seconded by Councilman McRary and unanimously adopted.

5. In regard to privilege licenses, an immediate study is to be made of the annexed area to determine the classifications involved, so the City will be in position to enforce privilege license ordinance beginning June 1, 1960.

6. Street lighting - Carolina Power and Light Company is to begin installations on main thoroughfares at once under existing contract with city, and installations in residential areas will be made on petition of residents.

7. Garbage collection - City is in position to start as of January 1, 1960 on limited basis, and service is expected to be completely organized by February 1st.

8. Fire protection - Full protection will be furnished beginning January 1st.

9. Police protection - City Police and Police Court jurisdiction to become effective about April 1st. The statute sets July 1st deadline but stipulates an earlier date can be set by agreement of City Council and Clerk of Superior Court.

Councilman Sumner discussed the matter of traffic cases, and suggested officers be paid for all time spent making appearances in court, and that it would be an advantage if continued cases be tried first. The matter of an improved record system was also discussed, in order to secure a higher rating.

Mayor Eller suggested that the City Manager and department heads get out a pamphlet for new residents, showing city services they may expect and how to secure these services.

The City Manager stated he would be glad to get out such information, and also that he would appear at any meetings where he could be of service.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, January 7, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 7, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. W. McRary, W. F. Algary, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

ORDINANCE NO. 425 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

Upon motion of Councilman Mulvaney, seconded by Councilman McRary, Ordinance #425, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 426, being "AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTU AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE ASHEVIL AIRPORT BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; and IMPOSI ALTIES", was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously passed on its reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner introduced a resolution authorizing the Mayor to execute a five year of a house and property located on U. S. 70 in the Arco Gardens Subdivision, Haw Creek Ward for the purpose fire substation, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously a

Complete copy of resolution will be found in Resolution Book #3, page 529.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

L E A S E

THIS CONTRACT OF LEASE, made and entered into this 7th day of January, 1960, by and bet MRS. KARL A. MUSCHETTE, party of the first part, hereinafter called LESSOR, and the CITY OF ASHEVILLE, a m corporation of the State of North Carolina, party of the second part, hereinafter called LESSEE;

W I T N E S S E T H:

The Lessor hereby leases and lets unto the Lessee, or its successors, and the Lessee h rents and hires from the Lessor that certain property fronting on U. S. Highway #70, known as Lot 49½ of t Gardens Subdivision, Haw Creek Ward, a plat of same being recorded in the office of the Register of Deeds combe County, North Carolina, said property being described in a deed recorded in Deed Book 368 at page 36 office of the Register of Deeds for Buncombe County, and being more particularly described as follows:

BEGINNING at a stake in the southern margin of Ridgeway Drive, which stake stands North 86 deg. 35' West f feet from a stake, formerly a rock, the same being the northeast corner of a tract of land conveyed to J and wife by Joseph Stepp by deed recorded in the Buncombe County Register's office in Deed Book 237, at p and runs thence North 86 deg. 35' West 104.35 feet to a stake; thence South 1 deg. 30' West 208.7 feet to thence South 1 deg. 53' West 114.4 feet to a stake in the northern margin of a one-time proposed street o runs thence with said margin of said street or road, South 85 deg. 47' East 106 feet to a stake; thence N deg. 53' East 113.3 feet to a stake; thence North 1 deg. 30' East 208.7 feet to the place of BEGINNING. of the property conveyed to Karl A. Muschette (now deceased) and wife, Edna S. Muschette, by two deeds, o being from John E. Lindsay and wife, bearing date of November 27, 1926 and recorded in said Register's of Deed Book 368 , at page 36, and the other deed being from W. A. Brinkley and wife, bearing date of April which will be recorded in the Buncombe County Register's Office prior to the recordation of a lease from Muschette to the CITY OF ASHEVILLE.

The term of this lease shall be for a period of five years, commencing on the 1st day April, 1960 and ending at midnight on the 31st day of March, 1965, unless sooner terminated as herein pro

The rental for said premises shall be at the rate of Two Hundred ($200.00) Dollars pe which the Lessee shall pay to the Lessor on the 1st day of each month during the term in advance, the fi ment being due on the 1st day of April, 1960, said payments being made to Lessor.

The other terms and conditions of said lease are as follows:

1.

Any and all taxes or assessments levied against the property hereinbefore described demised shall be, during the term of this lease, the responsibility of the Lessee, with the exception th taxes for the first and last years of the term shall be prorated.

2.

The Lessee shall pay for all lights, water and utilities used in the premises during of this lease.

3.

The Lessee accepts said premises in the physical condition in which the same now are Lessor shall be responsible for no repairs or replacements during the term, except as hereinafter provid shall return the property to the Lessee at the end of the term in as good condition as at present, reas and tear excepted, and subject further to the rights of the Lessee to make and allow to remain alterati provements referred to in paragraph four hereunder.

4.

The Lessee shall have the right during the term to erect upon the demised premises ing or other improvements to the existing building or buildings as the Lessee may elect, provided that may do nothing to weaken the structure of any existing buildings. Any such changes, alterations or imp

which the Lessee makes shall become a permanent part of the real estate to the extent that the same are permanently affixed or attached to the existing structure or building on the premises, such improvements to be removed at the option of the Lessor.

5.

It is agreed that the demised premises may be used during the term for a city fire station and community center or meeting place for public purposes, but for no other purposes unless by consent of Lessor.

6.

That in the event of fire or other casualty the Lessor should have no responsibility or liability to the Lessee, except as hereinafter described. The Lessee shall maintain a policy of insurance, insuring the property against fire and extended coverage in the face amount of at least Ten Thousand ($10,000.00) Dollars, and shall pay the premiums due thereunder, and the Lessor hereby agrees that if the premises are damaged, she will allow the Lessee to make the necessary restoration, and shall pay over to the Lessee all sums which may be paid or payable to her from the insurance company under the terms of said policy, and the Lessee shall make the repairs and restoration with said money, or shall apply the same on the cost of repairs and restoration.

7.

The Lessee shall not assign this lease nor sublet the premises or any portion thereof without the written consent of the Lessor.

8.

The Lessee shall have the right and option to request the Lessor to extend the period of this lease for an additional term of five years, provided that the Lessee shall give notice to the Lessor on or before the 1st day of January, 1965 as to whether or not it desires to renew the lease.

9.

The Lessee shall have the right at any time before April 1, 1965 to purchase this property for the sum of Twenty-five ($25,000.00) Dollars cash. The Lessee shall also have the right to purchase the same in the event the term of this lease is renewed and during said extended term. During the original term, or the extended term of this lease, and after the first year of the first five year term, the Lessor shall have the right to require the Lessee to purchase the property for the sum aforesaid. She shall give written notice to the City Manager at his office in the City Hall at least sixty days prior to requiring the payment by the City of said sum, and at the end of said sixty days she will tender a properly executed deed to the City and the City shall thereupon pay her for the same.

10.

If the Lessee shall be in default in the monthly rental for thirty days, the Lessor may at any time during such default declare this lease terminated and cancelled, and take possession of said premises.

11.

If the Lessee shall perform all and singular the terms and conditions of this agreement, the Lessor, her successors or assigns, shall warrant and defend the Lessee in the enjoyment and peaceful possession of said premises during the term aforesaid.

IN WITNESS WHEREOF, the Lessor has hereunto set her hand and seal the day and year first above written; and in witness whereof the Lessee has caused this agreement to be signed by its Mayor and its corporate seal hereto affixed, and attested by its City Clerk, the day and year first above written, all by authority of the City Council of the City of Asheville duly and lawfully given.

S/ Mrs. Karl A. (Edna S.) Muschette (SEAL)

CITY OF ASHEVILLE

ATTEST:

S/ Margaret Simmons
CITY CLERK
(SEAL)

By S/ E. W. Eller
MAYOR

State of North Carolina,
County of Buncombe.

I, Margaret Simmons, a Notary Public in and for the aforesaid County and State, do hereby certify that MRS. KARL A. MUSCHETTE personally appeared before me this day and acknowledged the due execution of the foregoing and annexed lease for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this 7 day of January, 1960.

My commission expires:
Jan. 6, 1962
(Seal)

S/ Margaret Simmons
Notary Public

State of North Carolina,
County of Buncombe.

This the 7 day of Jan., 1960, personally appeared before me, a Notary Public in and for the aforesaid County and State, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed lease is the corporate seal of said corporation, and that said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said E. W. Eller acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public

CAROLINA POWER & LIGHT COMPANY - INVESTIGATION OF RATES

Councilman Algary stated that it had been brought to his attention that Carolina Power and Light

Company has almost reached its maximum capacity to furnish electric power for industrial purposes in Asheville and Buncombe County, and in addition, is charging industrial users of power in our County a higher rate for power than other power companies doing business in North Carolina. Since Asheville and Buncombe County are continually seeking new industry, it seemed to him that our City and County should have an industrial power rate equal to or competitive with the rates charged by the other power companies in North Carolina. Therefore, he moved that the City Manager be instructed and authorized to explore this situation in all of its aspects and should he deem it necessary, to employ technical and professional assistance, so that this Council may have a full and complete report as to the facts of this matter.

Councilman Algary supplied figures he said were derived from an independent survey, showing rates of eight power suppliers in two use brackets.

Councilman McRary seconded the above motion, and the Council discussed the matter. Following the discussion a vote was taken, and the motion unanimously adopted.

The City Manager presented the budget statement showing the position of the City for the period ending December 31, 1959.

Councilman Sumner discussed the advantages of consolidating the funds of various public agencies for the purpose of securing bids from banks for interest on average daily balance.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, January 14, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 14, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, J. W. McRary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the A & H Flying Service, Paul McMurray, Owner, containing a proposal to operate a flying service at the new Asheville Airport.

January 12, 1960

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

Please consider this as a formal request from the A & H Flying Service by the undersigned as owner to operate a flying service at the new Asheville Airport, such service to include repairing and maintaining, conditioning, servicing, testing, parking and storage of aircraft, and also the sale of aircraft and accessories, including gasoline and oil, and also to conduct student pilot training service, charter service, passenger flight, and rental of aircraft.

To carry on the described operation it will require buildings totaling 40,000 square feet and adjacent property of an additional 120,000 square feet, since the parking of aircraft, ramps and taxiways within the flying service area are a major item.

In order to work out a financial scheme for the type of structures and equipment necessary and in keeping with Asheville's new airport, it is estimated that it will require a $200,000 expenditure. Financial institutions making such loans require a twenty-five year lease and operating agreement in order to amortize the loan.

As a return to the City of Asheville for a twenty-five year lease and operating agreement to furnish the above itemized services at the new Airport the undersigned will pay over to the City of Asheville five (5%) per cent of the gross income on a monthly basis, exclusive of the sale of new aircraft and new aircraft parts, all buildings and improvements to become the property of the City at termination of the lease agreement.

It is recalled that the undersigned has operated a similar service at the A & H Airport for many years, and I am more than anxious to improve my operations at the new site to comply with demands for service.

In order to play for this operation by the time the new Airport is completed it is most important that I have immediate consideration on this request, to the end of executing an agreement so I can secure the necessary funds to make the improvements.

Yours very truly,

A & H Flying Service

By S/ Paul McMurray
Paul McMurray, Owner

Following a discussion, Councilman Sumner moved that the City Manager make a study of the matter, including agreements in force in other public airports, and make a report and recommendation to Council, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 425, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 425

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from RA-5 Residential to Industrial District:

Lots 200-205, inclusive, and Lots 152-164, inclusive, Biltmore Township,
Ward 7, Sheet 28

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 31 day of December, 1959.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 14 day of January, 1960, to become effective 29 day of January, 1960

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR
Margaret Simmons
CITY CLERK

ORDINANCE NO. 426 - AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE ASHEVILLE AIRPORT BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES, was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 426

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE ASHEVILLE AIRPORT BY CREATING AIRPORT APPROACH SURFACE, HORIZONTAL SURFACE, CONICAL SURFACE, AND TRANSITIONAL SURFACE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT, ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES.

In pursuance of the authority conferred by Chapter 250 of the Public Laws of 1941 of the State of North Carolina, as amended, and for the purpose of promoting the health, safety and general welfare of the inhabitants of the vicinity of the Asheville Airport and others, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of users of the Asheville Airport and of occupants of land in its vicinity and preventing destruction or impairment of the utility of the Airport and the public investment therein;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA AS

Section 1. Short Title. This ordinance shall be known and may be cited as the "Airp
Ordinance of the Asheville Airport."

Section 2. Definitions. As used in this ordinance, unless the context otherwise requ

(1) "Airport means the Asheville Airport, Asheville, North Carolina.

(2) "Airport hazard" means any structure or tree or use of land which obstructs the a
required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to a
landing or taking-off of aircraft.

(3) "Non-Conforming use" means any structure, tree, or use of land which does not con
a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regula

(4) "Person" means any individual, firm, co-partnership, corporation, company, associ
joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar per
tative thereof.

(5) "Structure" means any object constructed or installed by man, including, but with
limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(6) "Landing area" means the area of the Airport used for the landing, take-off, or ta
of aircraft.

(7) "Tree" means any object of natural growth.

Section 3. Airport Zoning Map. In order to outline definitely the horizontal and vert
limits beyond which the projection of any structure or tree will constitute an airport hazard, the Airport
Map, Exhibit "A", dated October 26, 1959, of the Asheville Airport, Buncombe County, North Carolina, attac
hereto is hereby incorporated into this ordinance and made a part thereof.

(1) The established Elevation of the Airport is: Two Thousand One Hundred Sixty One
Seventy-Two Hundredths (2161.72) feet MSL.

(2) The Airport Reference Point is established at a location described as follows: A
Hundred Fifty (150) feet eastward of center line station Fifty-seven plus Fifty (57 + 50) as measured alo
line perpendicular to the runway center line.

Section 4. Zones. In order to carry out the purposes of this ordinance, airport appr
surface zones, horizontal surface zones, conical surface zones, and transitional surface zones are hereby
lished as hereinafter defined and as shown on the attached Airport Zoning Map.

(1) Approach Surface Zones. The approach surface zone is an inclined plane located e
ly above the approach area. The dimensions of the approach area are measured horizontally. The approach
for each particular runway are symmetrically located with respect to the extended runway center lines and
lengths and widths as shown on the attach Airport Zoning Map, which also shows the slopes of the respecti
proach surface zones.

(2) Horizontal Surface Zone. The horizontal surface zone is a plane, circular in sh
with its height One Hundred Fifty (150) feet above the established airport elevation and having a radius
the airport reference point as indicated on the attached Airport Zoning Map.

(3) Conical Surface Zone. The conical surface zone extends upward and outward from t
periphery of the horizontal surface zone with a slope of 21:1 measured in a vertical plane passing throug
airport reference point. Measuring radially outward, from the periphery of the horizontal surface zone,
conical surface extends for a horizontal distance as shown on the attached Airport Zoning Map.

(4) Transitional Surface Zones. The transitional surface zones are inclined planes
slope of 7:1 measured upward and outward in a vertical plane at right angles to the center line of the r
The transitional surface zones, symmetrically located on either side of the runway, extend upward and ou
from a line on either side of the runway which is parallel to and level with the runway center line. Th
parallel lines are at a horizontal distance from the runway center line equal to one-half of the minimum
of each approach area as shown on the attached Airport Zoning Map.

Section 5. Height Limits. Except as otherwise provided in this ordinance, no struct
tree shall be erected, altered, allowed to grow, or maintained in any airport approach surface zone, hori
surface zone, conical surface zone or transitional surface zone to a height in excess of the height limit
established for such zone. For purposes of this regulation, height limits shown on the attached Airport
Map are hereby established for each of the zones in question. Notwithstanding any other provisions of th
dinance to the contrary, the height limits prescribed by this ordinance shall not establish for any par
parcel of land at any particular point within such parcel a height limit of less than Thirty-five (35)
the surface elevation of the land at that point.

Section 6. Use Restrictions. Notwithstanding any other provisions of this ordinance
use may be made of land within any airport approach surface zone, horizontal surface zone, conical surfa
or transitional surface zone, in such manner as to create electrical interference with radio communicati
tween the Airport and aircraft, make it difficult for flyers to distinguish between airport lights and
result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airpo
otherwise endanger the landing, taking-off, or maneuvering of aircraft.

Section 7. Non-conforming uses. The regulations prescribed in Sections 5 and 6 of
ordinance shall not be construed to require the removal, lowering, or other change or alteration of any
ture or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere
continuance of any non-conforming use. Nothing herein contained shall require any change in the constr
alteration, or intended use of any structure the construction or alteration of which was begun prior t
fective date of this ordinance, and is diligently prosecuted and completed within two years thereof.

Section 8. Variances. Any person desiring to erect any structure or increase the
any structure, or permit the growth of any tree, or use his property, not in accordance with the regula
scribed in this ordinance, may apply for a variance therefrom. Such variance shall be allowed where a
application or enforcement of the regulations would result in practical difficulty or unnecessary hardsh
the relief granted would not be contrary to the public interest but do substantial justice and be in ac
with the spirit of this ordinance.

Section 9. Permits. No material change shall be made in the use of land, and no
or tree shall be erected, altered, planted, or otherwise established, in any airport approach surface z
zontal surface zone, conical surface zone or transitional surface zone, unless a permit therefor shall
applied for and granted. Each such application shall indicate the purpose for which the permit is desi
sufficient particularity to permit it to be determined whether the resulting use, structure, or tree w
form to the regulations herein prescribed. If such determination is in the affirmative, the permit sha
shall be granted.

(2) Existing Uses. Before any existing use, structure or tree may be replaced,

tially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any airport approach surface
one, horizontal surface zone, conical surface zone or transitional surface zone, a permit must be secured author-
izing such replacement, change or repair. No such permit shall be granted that would allow the establishment or
creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or
become a greater hazard to air navigation, than it was on the effective date of this ordinance or than it is when
the application for a permit is made. Except as indicated, all applications for a permit for replacement, change
or repair of existing use, structure, or tree shall be granted.

Section 10. Hazard Marking and Lighting. Any permit or variance granted under Section 8 or
9 may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable in the cir-
cumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Asheville
Airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary
to indicate to flyers the presence of an airport hazard.

Section 11. Appeals.

(1) Any person aggrieved, or taxpayer affected, by any decision of the Administrative Agency
made in its administration of this ordinance, or any officer, department, board, or bureau of the city affected by
such decision, if of the opinion that a decision of the Administrative Agency is an improper application of this
ordinance, may appeal to the Board of Adjustment for which provision is made in Section 13.

(2) All appeals taken under this Section must be taken within a reasonable time, as provided
by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board, a notice of
appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the
Board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay all proceedings in furtherance of the action appealed from, unless
the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with it,
that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or
property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by
the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due
cause shown.

(4) The Board shall fix a reasonable time for the hearing of the appeal, give public notice
and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party
may appear in person or by agent or by attorney.

(5) The Board may, in conformity with the provisions of this ordinance, reverse or affirm,
wholly or partly, or modify, the order, requirement, decision, or determination appealed from and may make such or-
der, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the
officer from whom the appeal is taken.

(6) The Board shall make written findings of fact and conclusions of law giving the facts upon
which it acted and its legal conclusions from such facts in reversing,or affirming, or modifying any order, require-
ment, decision, or determination which come before it under the provisions of this ordinance; said findings of fact
of the Board, if supported by substantial evidence, shall be conclusive on appeal.

(7) The concurring vote of a majority of the members of the Board shall be sufficient to re-
verse any order, requirement, decision, or determination of the Administrative Agency, or to decide in favor of the
applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in this
ordinance.

Section 12. Administrative Agency. The Asheville Building Inspector is hereby designated the
Administrative Agency charged with the duty of administering and enforcing the regulations herein prescribed. The
duties of the Building Inspector shall include that of hearing and deciding all permits under Section 9, but the
Building Inspector shall not have or exercise any of the powers or duties herein delegated to the Board of Adjustment.

Section 13. Board of Adjustment.

(1) The powers hereinafter set forth are hereby granted and delegated to the Board of Adjust-
ment which has been heretofore established and is now in existence by power and virtue of the City Council of Ashe-
ville, North Carolina.

(a) To hear and decide appeals from any order, requirement, decision, or determination
made by the Building Inspector in the enforcement of this ordinance;

(b) To hear and decide special exceptions to the terms of this ordinance upon which such
Board may be required to pass by subsequent ordinances;

(c) To hear and decide specific variances under Section 9.

(2) The Board shall adopt rules for its governance and procedure in harmony with the provisions
of this ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the
Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the atten-
dance of witnesses. All hearings of the Board shall be public. The Board shall keep minutes of its proceedings,
showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall
keep records of its examinations and other official actions, all of which shall immediately be filed in the office of
the Board and shall be a public record.

Section 14. Judicial Review. Any person or persons, jointly or severally, aggrieved by any de-
cision of the Board, or any taxpayer, or any officer, department, board or bureau of the City of Asheville may within
thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to the Su-
perior Court a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying
the grounds of illegality, whereupon such decision of said Board shall be subject to review of certiorari as provided
in Section 6 of Chapter 250 of the Public Laws of 1941 of the State of North Carolina.

Section 15. Penalties. Each violation of this ordinance or of any regulation, order or ruling
promulgated hereunder shall be punishable by a fine of not more than Fifty ($50.00) Dollars or imprisonment for not
more than thirty (30) days, or both such fine and imprisonment, and each day a violation continues shall be a separate
offense.

Section 16. Conflicting Regulations. Where the ordinance imposes a greater or more stringent
restriction upon the use of land than is imposed or required by any other ordinance or regulation, the provisions of
this ordinance shall govern.

Section 17. Severability. If any of the provisions of this ordinance or the application thereof
to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of

the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 18. Effective Date. This ordinance shall take effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this the 31 day of December, 1959.

W. F. Algary
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved, and adopted by the Council on First reading, 31 day of December, 1959, all members of the Council present voting "aye", read, approved and adopted by the Council on second reading day of January, 1960, with all members of the Council present voting "aye", and upon its third reading, and adopted on the 14 day of January, 1960, with all members of the Council present voting "aye". This ordinance shall become effective 29 day of January, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Sumner asked if any start had been made in investigating electric power rates. the City Manager reported that, realizing this is a very complicated matter, he had contracted with Mr. Fuller a consulting engineer who has wide experience in this field, to make a survey and report, and that this report will be presented to the Council within a few weeks.

Councilman Morgan introduced a resolution authorizing Mayor to execute quit-claim deed to Hilliard Ward and wife, Ruby Ingle Ward, which was, upon motion of Councilman Morgan, seconded by Councilman unanimously adopted.

Complete copy of resolution will be found in Resolution Book #3, at page 530.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS INDENTURE made and entered into this the 14 day of January, 1960, by and between CITY OF ASHEVILLE, a municipal corporation, existing under and by virtue of the Laws of the State of North Carolina party of the first part, and J. HILLIARD WARD and wife RUBY INGLE WARD, parties of the second part;

WHEREAS, the property hereinafter described was acquired by the Board of Financial Control through liquidation of collateral security owned entirely by Buncombe County; and

WHEREAS the City of Asheville does not claim any interest in the property and by these presents desire to relinquish, convey and quitclaim any interest which it has or which it may appear to have by reason of the failure of these records in the Office of the Register of Deeds for Buncombe County to reveal the true ownership of the property;

WITNESSETH: That, for and in consideration of the premises and the sum of Ten Dollars ($10.00),paid by the parties of the second part to the party of the first part, the receipt of which is hereby acknowledged, the said party of the first part has bargained, sold, conveyed, relinquished and quit claimed by these presents does bargain, sell, convey, relinquish and quitclaim unto the said parties of the second part their heirs, and assigns forever, all the right, title and interest of the party of the first part in and to that certain piece, parcel or lot of land, lying and being in Buncombe County, State of North Carolina and particular described as follows:

BEGINNING at an iron pipe in the center of Woodland Avenue, the Northwest corner of the tract belonging to McElroy, in the Eastern line of a tract formerly belonging to Mrs. C. L. Carter, and runs thence with the center of said Woodland Avenue North 23 deg. 38 deg. West 304 feet to a stake; thence continuing with the center of Avenue North 20 deg. 48 min. West 129.8 feet to an iron pipe, the Southwest corner of a tract belonging to McElory; thence with the Southern margin of said last named tract, South 76 deg. 59 deg. East 563.4 feet to a Walnut tree; thence South 80 deg. 09 min. East 273.2 feet to a stake in the center of a branch; thence down with the branch South 19 deg. 08 min. East, 110.7 feet to a stake; thence South 1 deg. 25 min. East 114.4 feet to a stake, Northeast corner of the John McElory track, first above mentioned; thence with the Northwest line of the McElroy tract South 82 deg. 27 min. West 687.9 feet to the BEGINNING. Being same property described in certain deed from Burgin Pennell, Trustee, to Board of Financial Control of Buncombe County, dated June 1, and recorded in Deed Book 431 at Page 319. Also described as Lot 8, Sheet 16, Ward 5, of Buncombe County Maps.

TO HAVE AND TO HOLD the above described land and premises together with all the rights, appurtenances, thereunto belonging, or in any wise appertaining, unto the said parties of the second part, heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by E. W. Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its Corporate Seal to be hereunto affixed this the day and year first above written.

ATTEST:

S/ Margaret Simmons
City Clerk

(Seal)

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This the 14 day of January, 1960, personally appeared before me, a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. Eller, who by me duly sworn, says: That he is Mayor of the City of Asheville and that the Seal affixed to the foregoing and annexed deed is the Corporate Seal of the said Corporation, and that said instrument was signed and sealed by him in behalf of said Corporation by authority duly given and the said E. W. Eller acknowledged said writing to be the act and deed of said Corporation.

WITNESS my hand and Notarial Seal, this the 14 day of January, 1960.

S/ Lillian Ducker
Notary Public

My commission expires:
Dec. 16, 1960
(Seal)

The City Manager reported that after conferring with bond attorneys, and in order to get the matter properly before them, that he is planning to go to New York next week for a conference and take certain information which they have requested.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 21, [illegible]

The City Council met in regular session Thursday, January 21, [illegible] with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen J. W. McRary, C. M. Preslar, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Sumner told the Council that the attack by two dogs on a five year old girl just outside city limits recently proved the need for stronger City Ordinance requiring that all dogs be confined.

An offer from the North Carolina State Highway to purchase three small parcels of city-owned land as part of the expressway right-of-way on Woodfin Street, Hall Street and College and Woodfin Streets for the sum of $3,486.00 was acceptable to Council. It is understood that a formal action would be required at a later date.

An estimate prepared by the Engineering Department for proposed 60 foot widening of Merrimon Avenue from Broadway to Beaverdam Road was presented by the City Manager, said widening project to cost $[illegible], not including right-of-way costs. City Manager was authorized by Council to proceed immediately with steps to have the drafted plan before the State Highway Commission for assistance.

Mr. Lee, Civics teacher and a group of students from the ninth grade, Hall Fletcher Junior High School attended Council Meeting and asked questions on city finances, and asked the proper procedure in securing a sidewalk on Welling Street. City Manager agreed to have a petition prepared for the students to submit to property owners.

Councilman McRary suggested that the City-County Civil Defense Department should give consideration to a greater use of pre-fabricated shelters that are being manufactured for use of private businesses and home owners.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 28, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 28, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, C. E. Morgan, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from Congregation Beth Israel requesting consideration for additional land for expansion and parking area for its present facilities at 121 South Liberty Street at such time as

Urban Renewal Plans are developed.

This request was referred to the Urban Redevelopment Commission for consideration.

For the record, Councilman Sumner cited two additional attacks on children by dogs.

Councilman Mulvaney introduced a resolution authorizing the Mayor to execute a right-of-way agreement with the State Highway Commission on State Highway Project 8.19030 for a right-of-way across Lot 6, Ward 3, Sheet 15, Purchase of Lot 83, Ward 2, Sheet 17, and access rights along Lot 11½, Ward 1, Sheet 3, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 3, page 531.

Parcels 7, 303 and 339

STATE OF NORTH CAROLINA
COUNTY BUNCOMBE

PROJECT 8.19030
SURVEY LINE

RIGHT OF WAY AGREEMENT

City of Asheville

the owners of that certain property known as _____ on State Highway Project 8.19030, recognizing the benefits to said property by reason of the construction of proposed highway development in accordance with the survey and plans proposed for the same, and in consideration of the construction of said project, hereby grants to the STATE HIGHWAY COMMISSION the right-of-way for said highway project as hereinafter described and releases the Commission from all claims for damages by reason of said right-of-way across the lands of the grantors, and of the past and future use thereof by the Commission, its successors and assigns, for all purposes for which the Commission is authorized by law to subject such right-of-way; said right-of-way being the width indicated and between the approximate survey stations as follows:

LEFT OF SURVEY CENTER LINE					RIGHT OF SURVEY CENTER LINE			
Station		Station			Station		Station	
		Hill - Hall						
70	ft. wide	0 ƒ90	and	1 ƒ 20 Connector	ft. wide			and
26	ft. wide	92ƒ45	and	93 ƒ20 Line L	ft. wide			and
	ft. wide		and		ft. wide			and

as shown in said survey, and in accordance with plans for said project in the office of the State Highway Commission in Raleigh, N. C.; subject to the following provisions only:

It is further understood and agreed herein that access on left of Hill-Hall Connector between approximate Stations 0ƒ90 and 1ƒ20 will not be controlled. For the above described right of way of Hill-Hall Connector across Lot 6, Ward 3, Sheet 15, purchase of Lot 83, Ward 2, Sheet 17, in fee, and access rights along Lot Ward 1, Sheet 3, the Highway Commission will pay a consideration of $3,486.00.

This conveyance is made for the purposes of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights of access, appurtenant to grantor's remaining property in and to said freeway. Interchange ramps are considered to be a part of the freeway and as such are subject to full control of access.

No trees or shrubbery shall be removed from the right-of-way without authorization from the Commission.

There are no conditions to this agreement not expressed herein. The grantors hereby covenant and warrant that they are the sole owners of said property; that they solely have the right to grant the right-of-way; and that they will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this the 2[illegible] of January, 1960.

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

WITNESS:

_____
Clerk
(Seal)

ACCEPTED: State Highway Commission

By _____

The City Manager presented the annual report of the Asheville Boxing Commission for the year 1959.

The City Manager presented the annual report of the Police Department for the year 1959, and copies of said report were distributed to members of the Council.

A full report on recent conferences with bond attorneys in New York on the best means of financing the installation of the new 36' transmission line was given by the City Manager. Mr. Weir stated that this installation would require an estimated 20% increase in water rates, and added that Asheville is the only source of water in Buncombe County with the exception of the Woodfin Water District.

After a discussion, motion was made by Councilman Sumner that the City Manager start preparations for a $4,000,000 bond election to be held in August, 1960, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager further stated that Mitchell, Pershing, Shetterly & Mitchell, the bond attorneys, advised that financing the $7,000,000 sewage disposal plant, a project involving both city and county water and sewer districts, could not be taken without further legislation by the 1961 General Assembly.

ZONING - REQUEST TO ZONE
[illegible]

Mr. Carl A. Hyldburg, Jr., attorney for William Winkenwerder and Robert H. Watts, requested that certain property bounded on the South by Ross Creek, on the East by Beaucatcher Road, on the North by Kenilworth Road and on the West by Aurora Drive be zoned as "Neighborhood Trading Area."

The Council referred this request to the Planning and Zoning Commission for immediate action.

The City Manager advised that the Commission is now in the process of zoning property in this section recently annexed by the city.

DOGS

Mrs. J. R. Washburn appeared before the Council with repeated pleas for stricter dog law. The City Manager advised that a full report on the activities of the Dog Control Officer would be presented at the next meeting.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Freeman
CITY CLERK

Thursday, February 4, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 4, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

WATER RATES ESTABLISHED -
[illegible]

Councilman Preslar introduced a resolution approving application of dairy processing plant for use of water in excess of three million gallons per month, and establishing rate therefor pursuant to Ordinance #604, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3, at page 532.

HOME BUILDERS ADVISORY BOARD -
[illegible]

Councilman Mulvaney introduced a resolution appointing two members of Advisory Board as created under Ordinance #310, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #3, at page 533.

CITY OF ASHEVILLE BOARD OF
ALCOHOLIC CONTROL - AUDIT

The City Manager presented the December 31, 1959 audit of the City of Asheville Board of Alcoholic Control.

The City Manager presented the Annual Report of the Fire Department, and copies were d... tributed to members of the Council.

The City Manager called to the attention of the Council the hazard existing at the rail... crossing at the intersection of Fairview Road, Sweeten Creek Road and London Road leading into the Oakley ... tion, advising that the traffic count indicates that this crossing should be protected by an automatic warn... device. The City Manager requested approval in securing this warning device.

The matter was discussed by the Council, and the City Manager was instructed to proceed ... in his efforts to secure the cooperation of the Southern Railway Company to provide said warning device, w... motion was seconded by Councilman Sumner and unanimously adopted.

The City Manager presented the first report of the activities of the Dog Control Depart... and the Dog Control Officer and his deputy were present to answer questions concerning their activities.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY

Thursday, February 11, 1960 - 4:00 o'clock P...

The City Council met in regular session Thursday, February 11, 1960, at 4:00 o'clock P... with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, J. W. McRary, W. ... Algary, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Sumner cited another case of dog biting in the city.

A communication was received from the Asheville Industrial Council endorsing the propo... issuance of bonds for the construction of water transmission lines to the reservoirs of the Asheville wat... system, and pledging support in the successful completion of the program.

A communication was received from R. L. Coleman & Company requesting that a portion o... 4, Sheet 21, Haw Creek Ward, as indicated on map, be zoned Neighborhood Trading and a prompt decision wa... quested.

This request was referred to the Planning and Zoning Commission for study and recomm...

Councilman Preslar introduced a resolution authorizing the Mayor to execute a fixed ... operator airport agreement with the A & H Flying Service, Paul McMurray, Owner, in connection with the A... ville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously...

Complete copy of resolution will be found in Resolution Book 4, page 1.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

FIXED BASE OPERATOR
AIRPORT AGREEMENT

THIS AGREEMENT, made this _____ day of_____, 1960, by and between THE ... ASHEVILLE, State of North Carolina, a municipal corporation existing by and under the authority of the ... the State of North Carolina, hereinafter referred to as the Lessor, and A & H FLYING SERVICE - Paul Mc... Owner, hereinafter referred to as the Lessee.

W I T N E S S E T H:

WHEREAS, Lessor owns and operates near the City of Asheville, County of Buncombe, St... North Carolina an airport known as the ASHEVILLE AIRPORT which includes all aeronautical navigation fa... and said Lessor is desirous of leasing to Lessee certain premises hereinafter more fully described, an... on said Airport, together with the right to use and enjoy individually and in common with others the f... referred to; and

WHEREAS, Lessee is engaged in the business of conducting a flying service with respe... repairing, maintaining, conditioning, servicing, testing, parking, or storage of aircraft or other equ... the sale, disposal or exchange of aircraft engines, accessories, gasoline, oil, greases, lubricants, ... other equipment; the conducting of programs for student pilot training, charter service, passenger fli... rental of aircraft;

NOW, THEREFORE, for and in consideration of the premises and of the mutual covenants ... agreements herein contained, and other valuable considerations the Lessor does hereby demise and let t... Lessee, and the Lessee does hereby hire and take from the Lessor certain premises and facilities, righ...

licenses, services and privileges in connection with and on the Airport as follows, to-wit:

1.

Lessor does hereby grant, demise and lease unto Lessee the following described tract of land at said Airport with respect to which Lessee is to have for the term of this lease the exclusive use of said tract described as follows:

Beginning at a point, an iron pin, such point being 970 feet North 71 deg. 04' 40" East of the Runway Centerline Station 58 + 90, and which point is 70 feet from the East edge of the paved apron, thence running North 18 deg. 55' 20" West parallel to and 70 feet from the East edge of the paved apron 485 feet to an iron pin; thence North 71 deg. 04' 40" East, 260 feet to an iron pin; thence South 18 deg. 55' 20" East, 485 feet to an iron pin in the north edge of the right-of-way of the access road; thence along the North boundary of the access road South 71 deg. 04' 40" North, 260 feet to the Beginning, containing 126,100 square feet or 2.89 acres.

2.

Lessee shall have the right to:

(a) The non-exclusive use, in common with others, of the airport parking areas, appurtenances and improvements thereon;

(b) The right to install, operate, maintain, repair and store, subject to approval of the City Manager in the interests of safety and convenience of all concerned, all equipment necessary for the conduct of Lessee's business;

(c) The right of ingress to and egress from the demised premises, which right shall extend to Lessee's employees, passengers, guests, invitees and patrons;

(d) The right in and on the demised premises to locate, maintain and operate full aircraft servicing facilities, to sell aircraft, engines, accessories and parts, and to provide storage space for aircraft, a repair shop for the repairing and servicing of aircraft engines, instruments, propellers and accessories in connection with said business; the right to conduct such activities shall apply to aircraft of other persons as well as aircraft belonging to Lessee. Said property is not to be used for any purposes other than those authorized herein without the written consent of the City Manager;

(e) The right to give flying instruction, to provide pilots for operating planes for others and to carry passengers and freight for hire, subject to all appropriate laws of the Federal Government, the State of North Carolina, the ordinances of the City of Asheville and the requirements of the FEDERAL AVIATION AGENCY or any other duly authorized governmental agency;

(f) The right in common with others authorized so to do, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft of Lessee.

3.

Lessee shall have the right to erect office buildings, shops, hangars and other buildings upon said described premises in paragraph 1 of this agreement, in accordance with plans and specifications to be approved by the City Manager.

4.

Subject to earlier termination as hereinafter provided, the term of this lease shall be for a period of 25 years, commencing on the date above first written. The Lessee shall have the right and option to renew this lease for an additional period of 10 years upon such terms and conditions as may be mutually agreed upon by the parties hereto.

5.

The Lessee agrees to pay to Lessor for the use of the premises, facilities, rights, licenses, services and privileges granted hereunder, the following rentals, fees and charges, all payable in monthly installments covering the preceding calendar month, as follows:

Five Percent (5%) of the gross revenue received during the preceding calendar month, with the sole and exclusive exception of sales on new aircraft.

That Lessee agrees that within fifteen (15) days from the end of each calendar month he shall render a true and accurate statement to the Lessor of his gross revenue received during said preceding calendar month: and at the same time make payment to Lessor of the rentals, fees and charges due for the preceding calendar month based upon said statement and as is hereinabove set forth. That Lessee shall keep on the premises true and complete records and accounts of all sales and business transacted, including daily bank deposits, and furnish a true and accurate statement of all sales and business transacted during the preceding calendar month as is hereinabove set forth (showing the refunds and returns deducted in computing the amount of such gross sales and business transactions), which statement shall be certified by a principal executive of Lessee to be correct, and agrees to give Lessor access during reasonable hours and at periodic times and at the discretion of the City Manager of Lessor to such books and records.

6.

Lessee will maintain all of said buildings and improvements on the land described in paragraph 1 hereof, in good order and repair and will make such repairs as are necessary. Lessee as part of the consideration of this lease, agrees that it will keep all buildings erected on the demised premises fully covered with insurance against damage or loss by fire or other casualty in the amount covering value of the building, to be written by an underwriter to be approved by Lessor, with loss payable jointly to Lessor and Lessee, and that Lessee shall have the right during the term of this lease to use the proceeds of such policy in the event of fire or other casualty to repair or replace the damaged or destroyed building or buildings, otherwise the entire proceeds of such policy or policies shall be the property of Lessor.

7.

The parties hereto for themselves, their legal representatives, successors and assigns, further covenant and agree as follows:

(a) Lessee agrees to observe and obey during the term of this lease, all laws, ordina
rules and regulations promulgated and enforced by Lessor, and by any other proper authority having juris
over the conduct of operations at the airport.

(b) Lessee agrees to hold Lessor free and harmless from loss from each and every cla
demand of whatever nature, made on behalf of or by any person or persons, for any wrongful act or omissi
the part of Lessee, his agents, servants and employees, and from all loss and damages by reason of such
or omissions.

(c) So long as Lessee conducts its business in a fair, reasonable and workmanlike man
Lessee shall peaceably have and enjoy the leased premises, and all the rights and privileges herein gran

(d) Lessee expressly recognizes that the buildings to be erected pursuant to this agr
being on the land of Lessor, will be and become the property of Lessor and he agrees to deliver to Lesse
session of the premises listed, including said buildings, at the termination of this lease, in good cond
reasonable wear and tear excepted, and Lessee shall have the right at any time during the term of this
to remove its aircraft, tools, equipment and fixtures from said buildings.

(e) Lessee agrees that no signs or advertising matter may be erected without the cons
the City Manager.

(f) Lessee agrees to install, maintain and operate proper obstruction lights on tops
buildings to be placed on the premises described in paragraph 1 and keep the same lighted from sunset to
and in accordance with the regulations under the Federal Aviation Agency.

(g) Lessor hereby designates the City Manager as its official representative with th
power to represent Lessor in all dealings with Lessee in connection with the premises herein leased. La
may designate by notice in writing, addressed to Lessee, other representatives from time to time and suc
tice shall have the same effect as if included in the terms of this agreement.

(h) Notice to Lessor as herein provided shall be sufficient if sent by registered mai
tage prepaid, to the City Manager of the City of Asheville at City Hall, Asheville, North Carolina, and
to Lessee in the same manner shall likewise be sufficient if addressed to Lessee at P. O. Box 56, Fletch
North Carolina, or such other addresses as may be designated by Lessor or Lessee in writing from time to

(i) Lessee shall keep the premises, as described in paragraph 1, clean and shall dis
all debris and other waste matter which may accumulate, and shall provide metal containers, with proper
for waste within the building or buildings to be erected on said premises.

(j) Lessee shall pay all taxes and assessments against the buildings placed on the p
by the Lessee during the term of this agreement.

8.

Lessor represents that it has the right to lease the airport, together with all the pr
facilities, rights, licenses, services and privileges herein granted, and has full power and authority
into this agreement in respect thereof.

9.

Lessor shall adopt and enforce reasonable rules and regulations, which Lessee agrees
serve and obey, with respect to the use of the airport, which shall provide for the safety of those usi
same; provided that said rules, regulations and orders shall be consistent with safety and with rules,
tions and orders of the Federal Aviation Agency with respect to aircraft operations at the airport.

10.

Lessee agrees to maintain at said airport aircraft of modern construction and design
for carrying passengers, for hire, and for pilot training; shall not rent, fly, sell, take passengers
in, or in any other way not restricting the generality thereof, use said planes unless they are airwor
ing successfully passed all inspections of a competent licensed mechanic required by the Federal Aviat
and unless they contain all necessary forms, licenses, inspection reports and airworthy certificates
by the Federal Aviation Agency; shall not use or allow Lessee's planes to be used for student instruct
rying passengers for hire or use in any other way, not restricting the generality thereof, unless the
on his possession the proper licenses and/or instructor's rating, physical examination certificate, an
proven himself qualified to fly the particular type of aircraft furnished by the Lessee; shall comply
respects with regulations of the Federal Aviation Agency, the Federal Government or of such other part
petent jurisdiction as shall at any time control federal licenses to aircraft or pilots.

11.

Lessee agrees to charge not more than twelve (0.12¢) cents per gallon above tank wa
plus the tax for all or any aviation gasoline sold by Lessee at Airport. The Lessee agrees to keep Le
retail prices of aviation gasoline in line with retail prices of aviation gasoline charged by other F
proved airports in this area.

12.

In the event that Lessee shall file a voluntary petition in bankruptcy or that proc
in bankruptcy shall be instituted against it and Lessee thereafter is adjudicated bankrupt pursuant t
proceedings, or that the court shall take jurisdiction of Lessee and its assets pursuant to proceedin
brought under the provisions of any Federal reorganization act, or that a receiver of Lessee's assets
be appointed, or that Lessee shall be divested of its estate herein by other operation of law, or tha
shall fail to perform, keep and observe any of the terms, covenants or conditions herein contained, o
part to be performed, the Lessor may give the Lessee written notice to correct such condition or cure
default and, if any such condition or default shall continue for thirty (30)days after the receipt of
notice by the Lessee, the Lessor may, after the lapse of said thirty (30) days period and prior to th
tion or curing of such condition or default, terminate this lease.

13.

Lessee may cancel this agreement, in whole or only insofar as it relates to any bui
and terminate all or any of its obligations hereunder at any time, by thirty (30) days written notice
or after the happening of any one of the following events: The failure or refusal of the Federal Avi
Agency to grant Lessee the right to operate into and from said airport; issuance by any court of comp
jurisdiction of an injunction in any way preventing or restraining the use of said airport or any pa
thereof for airport purposes; any action of the Federal Aviation Agency refusing to permit Lessee to
into, from or through said airport such aircraft as Lessee may reasonably desire to operate thereon;

breach of Lessor of any of the covenants or agreements contained and the failure of Lessor to remedy such
breach for a period of thirty (30) days after receipt of a written notice of the existence of such breach;
the inability of Lessee to use said premises and facilities continuing for a longer period than thirty (30)
days to any law or any order, rule, or regulation of any appropriate governmental authority having jurisdic-
tion over the operations of Lessee or due to war, earthquake or other casualty thereof of the maintenance and
operation of said airport and facilities or any substantial part or parts.

14.

Lessor covenants and agrees not to enter into any lease, contract or agreement with any
other flying service operator with respect to the airport containing more favorable terms than this lease or
to grant to any other flying service rights, privileges, or concessions with respect to said airport which
are not accorded to the Lessee hereunder unless the same rights, privileges and concessions are concurrently
and automatically made available to the Lessee; except, however, this article does not take away the right and
privilege of the Lessor to grant permission to other operators to build hangars, places of amusement, soft drink
stands, restaurants and hotels, and other business and concessions incidental to the operation of the airport.

15.

Lessor may enter upon the premises now or hereafter leased exclusively to Lessee hereunder
at any reasonable time for any purpose necessary, incidental to or connected with the performance of its obliga-
tions hereunder, or in the exercise of its governmental functions.

16.

Lessee agrees to indemnify and hold harmless the Lessor from and against all liability of
every nature for injuries to persons, or damage of property, caused by the Lessee's negligent use or occupancy
of the demised premises, or any activity of the Lessee related directly or indirectly to the use by the Lessee
of the demised premises. The Lessee agrees to submit proof or evidence acceptable to the City Manager of his
ability to protect and hold harmless the Lessor, either in the form of an insurance policy, bond, or other ac-
ceptable evidence; provided, however, that the Lessee shall not be liable for any injury, damage or loss occa-
sioned by the negligence of the Lessor, its agents or employees.

17.

Lessee shall not, at any time during the term of this lease, or in any manner, either direct-
ly or indirectly, assign, hypothecate, or transfer this agreement or any interest therein, without the written
consent of the City Manager, provided that Lessee shall have the right to lease that portion of the buildings
placed on the premises by Lessee which are not needed by Lessee in the operation of his business, and further
provided that such leasing shall be with the prior written consent of the City Manager.

18.

In the event any covenant, condition or provision herein contained is held to be invalid by
any court of competent jurisdiction, said invalidity shall not impair or affect the other covenants, conditions
and provisions herein contained; provided, however, that said invalidity does not materially prejudice either
Lessor or Lessee in their respective rights and obligations contained in the valid conditions, provisions or
covenants of this agreement.

19.

Lessee agrees to operate the premises leased for the use and benefit of the public; to make
available all airport facilities and services to the public, without unjust discrimination; and to refrain from
imposing or levying excessive, discriminatory, or otherwise unreasonable charges or fees for any airport ser-
vice. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the
granting of an exclusive right within the meaning of Section 308(a) of the Federal Aviation Act of 1958.

20.

Lessor reserves the right to further develop or improve the landing area of the airport as it
sees fit, regardless of the desires or view of Lessee, and without interference or hindrance.

21.

Lessor reserves the right, but shall not be obligated to Lessee, to maintain and keep in re-
pair the landing area of the airport and all publicly owned facilities of the airport, together with the right
to direct and control all activities of Lessee in this regard.

22.

Lessor reserves the right to take any action it considers necessary to protect the aerial
approaches of the airport against obstruction, together with the right to prevent Lessee from erecting, or per-
mitting to be erected, any building or other structure on the airport which in the opinion of Lessor would limit
the usefulness of the airport or constitute a hazard to aircraft.

23.

During the time of war or national emergency Lessor shall have the right to lease the landing
area or any part thereof to the United States Government for Military or naval use, and, if any such lease is
executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease
to the Government, shall be suspended.

24.

This lease shall be subordinate to the provisions of any existing or future agreement between
Lessor and the United States, relative to the operation or maintenance of the airport, the execution of which
has been or may be required as a condition precedent to the expenditure of Federal funds for the development
of the airport.

IN TESTIMONY WHEREOF, the party of the first part has caused this lease to be executed by
D. W. Eller, its Mayor, and attested by Margaret Simmons, the City Clerk, and its corporate seal to be hereunto
affixed, and the party of the second part has hereunto set his hand and seal, all in duplicate, this the day and
year first above written.

ATTEST:

LESSOR: CITY OF ASHEVILLE

CITY CLERK

BY: _____
MAYOR

LESSEE: A & H FLYING SERVICE

BY: _____ (SEAL)
PAUL McMURRAY, OWNER

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS _____ day of _____, 1960, personally appeared before me a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says he is Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed agreement and lease is the corporate seal of said corporation, and that said agreement and lease was signed and sealed by him in behalf of said corporation by its authority duly given. And the said E. W. ELLER acknowledged the said agreement and lease to be act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

My commission expires:

_____
Notary Public

_____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, _____, a Notary Public for and in the County of Buncombe, State of North Carolina, do hereby certify that PAUL McMURRAY personally appeared before me this day and acknowledged the due execution of the foregoing agreement and lease.

WITNESS my hand and official seal, this _____ day of _____, 1960.

My commission expires:

_____
Notary Public

_____

SOUTHERN RAILWAY CROSSING -

The City Manager reported that negotiations are under way with the Southern Railway for installation of automatic warnings at the railroad crossing on Fairview Road north of the Sweeten Creek Road intersection.

The City Manager presented the statement showing the budget position for the city for the period ending January 31, 1960.

GRANT FROM HOUSING AND HOME FINANCE AGENCY

Colonel Leo A. Bessette, Chairman of the Asheville Redevelopment Commission, advised the Council that the Housing and Home Finance Agency had approved a $43,200 planning advance for preliminary work on Asheville's urban redevelopment project in the area north of the City County Plaza. Colonel Bessette further advised that the Federal Government has set aside $1,042,000 for development of this project, and the City has eighteen months in which to file complete project plans with the Housing and Home Finance Agency to secure this grant, all plans being subject to approval by the City Council before submission to federal authorities.

The Council complimented Colonel Bessette on the work to date of the Redevelopment Commission.

Mayor Eller stated he thought consideration should be given to improving Broadway north of Chestnut Street, and the City Manager advised that the projected traffic interchange for the proposed Weaverville highway should reduce this problem.

In connection with this discussion, the Council was advised that the State Highway Commission has employed Wilbur Smith and Associates, traffic engineers, to aid in preparation of a major thoroughfare plan for Asheville.

The City Manager reported that in the long range project for widening Merrimon Avenue preliminary conracts with property owners to secure their cooperation on right-of-way acquisitions have been favorable, and he expects the project will extend over several years and be accomplished a few blocks at a time.

There being no further business, the meeting was on motion adjourned.

MAYOR

Margaret Summers
CITY CLERK

Thursday, February 18, 1960 - 4:00 o'clock P.M.

The City Council met in regular session Thursday, February 18, 1960, at 4:00 o'clock P.M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, J. McRary, W. F. Algary, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Roebling Circle)

A communication was received from the Planning and Zoning Commission recommending

in the zoning of certain property on Roebling Circle.

February 17, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held February 10, 1960, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend no zoning change be made for Lots 21 through 28 inclusive on the west side of Busbee Street and Lot 37 on Roebling Circle, Sheet 13, Ward 4.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This recommendation was received as information by the Council.

SHERWOOD HEIGHTS - APPROVAL OF PLAT UNDER SUBDIVISION ORDI-

A communication was received from the Planning and Zoning Commission advising that the plat entitled "Sherwood Heights, Adjoining Lake View Park, Asheville, North Carolina" complies with the requirements of Ordinance No. 424, being an Ordinance establishing regulations for development of real estate subdivisions.

Honorable Mayor and Members of the City Council
City of Asheville
Asheville, North Carolina.

Gentlemen:

The attached plat entitled "Sherwood Heights, Adjoining Lake View Park, Asheville, North Carolina", prepared by James R. Reagan, Surveyor, has heretofore been submitted to the City of Asheville Planning Commission who have considered the plat and find that the same complies with the requirements of Ordinance No. 424, being an Ordinance establishing regulations for the development of real estate subdivisions.

Respectfully yours,

S/ Anthony Redmond
Anthony Redmond, Secretary,
City of Asheville Planning
and Zoning Commission

AR:MM
(Enc.)

Councilman Preslar moved that said plat be approved by the Council in accordance with the requirements of said Ordinance No. 424, which motion was seconded by Councilman McRary and unanimously adopted.

DUKE POWER LIGHT COMPANY - INVESTIGATION OF RATES - REPORT OF CITY MANAGER

The City Manager reported that Mr. Kriek, who has been employed to review industrial power rates, has been out of the city, but that Mr. Kriek now has this study under way and expects to have a report on same within the next ten days.

ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND

The City Manager presented for study and possible later enactment a draft of a proposed ordinance establishing regulations for excavating and filling of land.

AIRPORT - RELOCATION AND IMPROVEMENT SERVICE - CHAMBER OF COMMERCE

The City Manager advised the Council that present indications are that construction work on the runway at the new airport will be finished in June, and that the administration building will be completed August 1st, and that the move to the new airport will be made in September. Mr. Weir further stated that he felt planning should be started immediately both for extensive dedication ceremonies for the airport and for negotiations with airlines for increased flight services, and suggested that the Chamber of Commerce be requested to name a committee to begin advance preparations, the dedication to be set for sometime in October.

Councilman Algary suggested that the dedication might attract more national attention if it were tied to the fall color season in October.

The Council authorized the City Manager and Mayor to convey this request to the Chamber of Commerce.

STATE HIGHWAY COMMISSION - MAJOR THOROUGHFARE PLAN

Mr. Marshall Rich, representing Wilbur Smith and Associates, discussed briefly the upcoming survey of inter-state highway routes and location of traffic interchanges at access points to the city, and answered questions concerning this work.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Summers
CITY CLERK

Thursday, February 25, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 25, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, C. M. Preslar, C. P. Morgan, F. M. Mulvaney, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

There being no further business, the meeting was on motion adjourned.

MAYOR

CITY CLERK

Thursday, March 3, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 3, 1960, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that a zoning district be created to be added to the present zoning ordinance following Section 6 and be known as Section 6 A, Roadside Business Area.

March 2, 1960

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, it was moved, seconded and jnanimously passed that the Commission recommend to City Council that a new zoning district be created, to be added to the present zoning ordinance following Section 6 and be known as Section 6 A, Roadside Business Area.

A copy of Section 6 A, Roadside Business Area, is attached for your consideration.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

SECTION 6 A

ROADSIDE BUSINESS AREA

A. Uses Permitted

Within any Roadside Business Area no lot, building, or structure shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for other than one or more of the following specified purposes:

1. Any use permitted in Neighborhood Trading Area.
2. Hotels and Inns.
3. Assembly halls, coliseums, and stadia.
4. Passenger stations.
5. Commercial amusement enterprises, such as billiards, bowling, dance hall, indoor outdoor theatres, private and public clubs, shooting gallery, and skating rink.
6. Frozen Food Lockers.
7. Bottling plants.
8. Public utility service.

B. Off-street Parking

Off-street parking shall be provided in Roadside Business Areas in accordance with the off-street parking requirements established for Neighborhood Trading Areas.

C. Area Regulations

Building setbacks and yards shall be provided in Roadside Business Areas in accordance with the area regulations established for Neighborhood Trading Areas.

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
(Cross-town Road, and Haw Creek)

A communication was received from the Planning and Zoning Commission recommending that Council accept the report of the Committee on Crosstown Expressway Zoning.

March 2, 1960

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, it was m

seconded and unanimously passed that the Commission accept the report of the Committee on Crosstown Expressway Zoning and refer same to City Council with the request that these recommendations be accepted.

A copy of the report is attached for your consideration.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

REZONING NOTES, FOR AREA NEAR EXPRESSWAY

December 2nd, 1959

Ward 3
Sheet 11
Between Hall and William Streets
Lots 1, 7½, 8, 8½, 9½, 9, 10, 11 and 157 in Block "5"
from Industrial to Commercial.

Ward 3
Sheet 16
Between Hall and William Streets
Lots 7 - 11, inclusive, 13, 13½, 14, 15½, and 15
from Industrial to Commercial.

Ward 3
Sheet 15
Between Expressway and Buttrick Street
Lots 45 - 47 inclusive, 466, and 467
from Commercial to Business.

N. W. Corner Hill Street, Edgewood Block "A"
Lots 245-249 inclusive
from Business to RA-5

N. E. Corner Hill Street, Edgewood Block "C"
portion of lot 464 zoned Business
from Business to RA-5

Ward 3
Sheet 14
Between Buttrick Street and Starnes Alley
Lots 86, 86½, 87, 87½
From RA-5 to Business

Ward 3
Sheet 13
N. W. Corner Montford and Hill
Lots 62 and 63
From Business to N. T. A.

Ward 3
Sheet 2
N. E. Corner Montford and Cherry
Lots 101, 102, 103, 104, 104½, 284, and 285
From Business to N. T. A.

N. W. Corner Flint and Cherry
Lots 259-263 inclusive
from Business to RA-6

N. E. Corner Flint and Cherry
Lots 164 and 164½
from Business to Commercial

S. E. Corner Starnes and Rankin
Lots 165-169 inclusive
from RA-5 to Commercial

Ward 2
Sheet 3
S. W. Corner Merrimon and Marcellus
Lots 39, 40 and 40½
from Commercial to Roadside Business Area

N. W. Corner Merrimon and Marcellus
Lots 29½, 30-3/4, 30½, and 31½
from Business to Roadside Business Area

Ward 2
Sheet 2
N. E. Corner Merrimon and Elm
Lots 26, 154 and 155 from
Commercial to Roadside Business Area

Ward 2
Sheet 17
Near N. E. Corner of Expressway and Hollywood
Lots 11 and 12
from Commercial to RA-6

Ward 1
Sheet 3
S. E. Corner College and Expressway
Lot 6
from Commercial to RA-6

N. E. Corner Woodfin and Expressway
Lots 9, 10, 11, 11½
from Commercial to RA-6

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
(Cross-town Road, and Haw Creek)

A communication was received from the Planning and Zoning Commission recommending that all of the lots of record shown on Sheets 3, 4, 5, 7, 8, 9, 10, 11, 20, 21, 25 & 34 of Ward 8 be zoned RA-6 Residential Area, except that those lots of record included in the area colored Yellow shall be zoned Roadside Business Area.

March 2, 1960

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, it was moved, seconded and unanimously passed that the Commission recommend to City Council that all of the lots of record shown on Sheets 3, 4, 5, 7, 8, 9, 10, 11, 20, 21, 25 & 34 of Ward 8 be zoned RA-6 Residential Area, except that those lots of record included in the area colored Yellow shall be zoned Roadside Business Area.

The maps are attached for your consideration.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

All of the above recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held March 24, 1960 by motion of Councilman McRary, seconded by Councilman Mulvaney, and unanimously adopted.

Councilman Mulvaney introduced a resolution submitting to the United States Department of Commerce, Bureau of Census, a copy of an approved map of the limits of the City of Asheville as of March 1, which was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 2.

The City Manager presented the monthly report of the activities of the Dog Control Officer.

The City Manager presented the audit report of the City of Asheville for the period ending December 31, 1960.

The City Manager presented a "Comparison of Industrial Electric Power Rates of Carolina Power & Light Company With Those of Other Utilities in the Surrounding Areas", as prepared by P. Paul Kriek, Consulting Engineer. Mr. Kriek was present to discuss this report, and answer questions.

The City Manager advised that the Chief Electrical Engineer of the State Utilities Commission has made plans to be in Asheville for the Council meeting next Thursday to discuss power problems.

Ordinance No. 427, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND" was introduced by Councilman Preslar, and seconded by Councilman Sumner, and following a discussion was unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, March 10, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 10, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. M. Preslar, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

MONEY-WORTH INC. - APPROVAL OF PLAT

A communication was received from the Planning and Zoning Commission advising that a plat prepared by S. W. Huddleston for Money-Worth Inc. and dated February 5th, 1960 shows the subdivision of property north of Brooklyn Road and east of London Road and complies with the requirements of Ordinance No. 424, being an Ordinance establishing regulations for development of real estate subdivisions.

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached unnamed plat prepared by S. W. Huddleston for Money-Worth Inc. and dated

February 5th, 1960 shows the subdivision of property north of Brooklyn Road and east of London Road.

The plat has been reviewed by this Commission at its regular meeting on March 2nd, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
Encl:

Councilman Preslar moved that said plat be approved by the Council in accordance with the requirements of said Ordinance No. 424, which motion was seconded by Councilman McRary and unanimously adopted.

A request was received from H. L. Mc Clendon requesting that Lots 4 through [illegible] Ward 7, west of London Road, be rezoned from Residential District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. [illegible] - AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND

Ordinance No. 427, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

[illegible] COMMISSION - [illegible]
[illegible] USE OF POWER [illegible]
[illegible] OF COMPANY WITH [illegible]
[illegible] ESTABLISHING [illegible]
[illegible] POWER RATE FOR [illegible]

Councilman Algary commented on the report filed by P. Paul Kriek in regard to electric power rates of Carolina Power & Light Company in comparison with those of other utilities in the surrounding area, and stated he questioned paragraph three of the summary as to correctness of thinking that power rates are a minor consideration in any industry's operation, since if it were not a consideration this matter would not be under discussion.

Councilman Algary further stated he would like to include with this resolution an analysis of rates on coal shipments to Asheville versus Hartsville, S. C., as a matter of information.

Following this discussion Councilman Algary introduced resolution requesting State Utilities Commission to review the source of power of the Carolina Power & Light Company and give consideration to establishing a favorable electric power rate for industrial use in the Asheville and Buncombe County area, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4, page 3.

BUDGET

The City Manager presented the statement showing the budget position of the city for the month ending February 29, 1960.

There being no further business, the meeting was upon motion adjourned

CITY CLERK

Thursday, March 17, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 17, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, J. W. McRary, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read, and Councilman Algary requested that said minutes be corrected to show that the reference to the coal and coal freight rates analysis submitted at said previous meeting pointed out a differential of a 95¢ more favorable rate to Asheville. With this correction said minutes were approved.

LIBRARY BOARD - RESIGNATION OF CHARLES K. ROBINSON - APPOINTMENT OF GEORGE W. McCOY

Councilman Morgan introduced a resolution commending Charles K. Robinson for his service to the Library Board of the City of Asheville, accepting his resignation, and appointing George W. McCoy as his successor, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, and after having been read in full, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4, page 4.

The City Manager called attention to the fact that the 1959 Session Laws amended the Library Board act to provide for a seven man board, four appointments to be made by the City Council and three to be made by the County Commissioners, and in case of death of resignation in the interim appointments to be made by joint resolution of the City Council and County Commissioners.

Ordinance No. 427, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING [illegible] LAND", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 427

AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. Purpose. In order to promote the public health, safety, morals, and general [illegible] procedures and standards for excavating and filling of land are hereby established by the Council of the City of Asheville.

Section 2. Definitions.

(a) Excavation - the removal of earth or material resulting in the lowering of elevations; [illegible] that the following shall not be included in this definition nor be subject to the provisions of these regulations:

(1) Excavations of less than 1,000 cubic yards resulting in the lowering of finish grade [illegible] less than five (5) feet below existing grade;

(2) Quarrying operations supervised by a civil engineer registered to practice in North Carolina;

(3) Excavations for construction in compliance with a building permit in full effect;

(4) Cuts for highways and streets under the supervision of the N. C. State Highway Division Engineer or the City's Director of Public Works.

(b) Filling - the depositing of earth or material resulting in the raising of elevation; [illegible] that the following shall not be included in this definition nor be subject to the provisions of these regulations:

(1) Deposits of less than 1,000 cubic yards resulting in the raising of finish grade [illegible] than five (5) feet above existing grade;

(2) Stockpiling of topsoil for periods of less than six (6) months;

(3) Municipal sanitary land fill operations;

(4) Fills for highways and streets under the supervision of the N. C. State Highway Division Engineer or the City's Director of Public Works.

(c) City - The City of Asheville, North Carolina.

(d) Planning Commission - The Planning Commission of the City of Asheville, North Carolina.

Section 3. Procedure. No excavation or filling operation may be started until a permit is issued for the operation. Permits shall be issued only upon order of City Council, subsequent to Council's review of the recommendations of the Planning Commission.

Two copies of the proposed plan, prepared in accordance with the General Requirements in Section 4 and Minimum Standards of Design in Section 5 of these regulations shall be submitted to the Office of the Planning Commission at least ten (10) days prior to a regularly scheduled meeting of the Planning Commission if the plan is to be placed on the agenda for the next meeting. Prior to the Commission's taking action on the plan, it will receive reports from the Director of Public Works, or his designee, and the Planning Director certifying compliance with or noting deviations from the requirements of these regulations. Should the Planning Commission fail to take action on the plan within forty-five (45) days, the petitioner may seek approval at the City Council's next regular meeting.

Section 4. General Requirements.

The plan shall be drawn at a scale of not less than two hundred (200) feet to the inch. [illegible] other things, it shall provide the following information:

(a) The names and addresses of the owner or owners.

(b) The name and address of the civil engineer and his North Carolina registration [illegible]

(c) The boundary line of the subject parcel drawn accurately to scale and with accurate linear and angular dimensions.

(d) Contours of existing grade with a vertical interval of two feet and referred to [illegible] level datum.

(e) Contours of proposed grade with a vertical interval of two feet and referred to [illegible] Level datum.

(f) The names of record owners of adjoining parcels.

(g) A statement of the owner declaring his intended use of the property after excavation or filling.

(h) Positions of existing and proposed structures and information concerning existing and proposed surcharge loads, whether static or moving.

Section 5. Minimum Standards of Design. Where it is shown that adequate provision will [illegible]

divert drainage from the proposed slope area, the following maximum slopes shall be used:

(a) Sand or loam, one vertical unit to one and one-half horizontal unit

(b) Gravel or loose rock, one vertical unit to one horizontal unit.

(c) Solid rock, one vertical unit to one-quarter horizontal unit

Where provisions are not made to divert drainage from the proposed slope area, and the Planning [illegible] mission determines that erosion problems will likely result, the maximum slope of one vertical unit to four (4) horizontal units shall be used.

Toes and heels shall be rounded and provision shall be made for the planting of earth cover on the slope. The applicable practices of the N. C. State Highway Division office in these regards shall control grading operations.

Plans not meeting the above standards of design may be approved if they are accompanied by [illegible] detailed working drawings showing retaining walls and other improvements.

Section 6. Inspection. Upon issuance of a permit, the work shall progress under the periodic inspection of the City's Building Inspector.

Section 7. Penalties for Non-compliance. Failure to comply with the provisions of these regulations or the instructions of the Building Inspector shall be deemed a violation of this ordinance. Any person convicted of such violation shall be subject to a fine not exceeding $50.00, with each day's violation constituting a new and separate offense.

Section 8. Separability. Should any section or provision of this chapter be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 9. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 10. This ordinance shall take effect and be in effect from and after fifteen (15) days from the date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of March, 1960.

C. M. Preslar
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted 17 day of March, 1960, to become effective 1 day of April, 1960.

[illegible]VED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simons
CITY CLERK

[illegible] DESIRE - COMMENDED:

Councilman Algary moved that city employees be commended for many hours of overtime work and exceptional [illegible]tion to duty in the recent snow removal work and maintenance of essential services during the recent storm period. [illegible]ch motion was seconded by Councilman Morgan and unanimously adopted.

[illegible]DODENDRON PARK - MODEL [illegible]PLANE AND MIDGET AUTOS

Mayor Eller questioned whether facilities at Rhododendron Park are being overcrowded, and she [illegible] explained that there is plenty of space available at the park for new model airplane and midget auto installations, [illegible] that this area is being developed for an adult, as well as children's, recreation project.

There being no further business, the meeting was upon motion adjourned.

Margaret Simons
CITY CLERK

Thursday, March 24, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 24, 1960, at 4:00 o'clock P. M. with Mayor E. W. [illegible] presiding. Present: Councilmen W. F. Algary, C. E. Morgan, C. M. Preslar, T. B. Sumner, J. W. McRary, F. M. [illegible]ulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read, and Councilman Algary requested that said minutes be corrected to show that the reference to the coal and coal freight rates submitted at a previous meeting was in connection with the investigation into excessive charges for industrial power by the Carolina Power & Light Company. With this correction said minutes were approved.

[illegible]DODENDRON HEIGHTS - APPROVAL [illegible]F PLAT UNDER SUBDIVISION ORDI-[illegible]CE #426

A communication was received from the Planning and Zoning Commission advising that the plat of Rhododendron Heights which was prepared by S. W. Huddleston for Fradan Corporation and dated February, 1960, showing the subdivision of certain property off of Brevard Road and Amboy Road, had been approved by said Commission.

[illegible]norable Mayor
[illegible]mbers of City Council
City Hall
[illegible]eville, North Carolina

[illegible]tlemen:

The attached plat of Rhododendron Heights which was prepared by S. W. Huddleston for Fradan

Corporation and dated February 196o shows the subdivision of property off Brevard Road and Amboy Road.

The Plat has been reviewed by this Commission at its regular meeting on March 2nd, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
Encl:

Councilman McRary moved that said plat be approved by the Council in accordance with the ... ments of said Ordinance No. 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager announced that today is the date set for the public hearing on the proposed amendments to the zoning ordinance to create a Roadside Business Area, to zone the area near the expressway, ... to zone property on the Tunnel Road and in the Haw Creek section.

In connection with the zoning of the property at Beaucatcher Road and Kenilworth Road the City Manager explained that until January 1, 1960 this property was not in the City of Asheville and hence had no ... ing, and that in February a permit had been issued for a proposed bowling center, but that the owner of this ... erty is desirous of cooperating with the city and had requested that the property be zoned.

Mr. James S. Howell, attorney, representing homeowners in the Kenilworth section presented ... tions opposing the zoning of this property as Roadside Business, and requested that it be zoned Residential. ... speakers included Albert S. McLean of 206 Aurora, John C. Walker of 407 Beaucatcher Drive, and Bruce Blevins ... Aurora Drive.

Mr. Sam L. Irvin, developer of the bowling project, and Carl A. Hyldburg, Jr., his attorney, ... stated that the planned location of the bowling center building has been altered to place it as far as possi... from nearby residences, and that protecting shrubbery will be planted on the Aurora Drive and Kenilworth Roa... boundaries of the site.

Mr. R. R. Williams, Jr., representing R. L. Coleman, developer of the proposed Eastgate She... Center, protested the proposed zoning of this property into half Roadside Business Area and half Residential ... and requested that the entire tract be zoned Roadside Business Area. Mr. Coleman also spoke in this regard, ... showed site plans calling for erection of buildings on the section proposed for residential zoning and advis... commercial use of that property was essential to the development of the project.

Mr. Devere Lentz, attorney, representing homeowners in the Kenilworth Forest section, requ... that the recommendation of the Planning and Zoning Commission to zone the rear section of this property as ... tial be followed, and that a 50 foot buffer strip be set aside along the rear boundary of the site as a pro... to the residential properties there. Also speaking in this regard were W. T. Fitts, 22 White Pine Drive an... Yermack of 282 White Pine Drive.

Discussion brought out that development of the site will involve moving some 657,000 cubic ... of earth. Mr. Coleman and his attorney agreed in principal to the creation of a buffer strip, but insisted ... business zoning for the rear area of this property.

Mr. Anthony Redmond, secretary of the Planning and Zoning Commission, proposed an amendment ... the proposed ordinance providing that where a tract three acres or more in area is to be improved for the ... provided in this district (Roadside Business) a site plan shall be furnished to the City Council, showing ... posed construction and other improvements to be placed thereon, and City Council shall have the right to e... other set-back and yard regulations with respect thereto greater than those required in Neighborhood Tradi...

There was a discussion at this point concerning referring the matter back to the Planning ... Zoning Commission, but since the said Commission was also present at this meeting, and agreed to the propos... change, Councilman Morgan moved that the Council recess for thirty minutes, in order to give attorneys an ... tunity to draft the proposed changes, which motion was seconded by Councilman Mulvaney and adopted.

At 5:45 the Council reconvened, and Councilman McRary introduced an ordinance, being Ordi... #428, entitled "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS ... ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED", which was seconded by Councilman ... vaney.

ORDINANCE NO. 428 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

The matter was discussed further and Mr. Lentz renewed his request that the rear section ... property be zoned Residential.

Following the discussion said Ordinance No. 428 was unanimously passed on its first readi... the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY ...

Thursday, March 31, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 31, 1960, at 4:00 o'clock P. M. ... Mayor F. M. Mulvaney presiding. Present: Councilmen C. M. Preslar, J. W. McRary, C. E. Morgan, and City ... Weldon Weir.

The minutes of the previous meeting were read and approved.

... - ELIZABETH WOODBURY

A claim for damages for personal injuries on behalf of Elizabeth Woodbury was presented by her at... torney, Earl J. Fowler. This claim was referred to the Corporation Counsel for investigation.

March 29, 1960

The Honorable Mayor and the
Members of the City Council,
Asheville, North Carolina.

Gentlemen:

It is respectfully requested that you consider this letter as notice of a claim against the City of Asheville, on behalf of Elizabeth Woodbury, who was injured in an automobile accident on December 20, 1929, while riding as a passenger in a city owned vehicle, operated by Oscar M. Canaday.

This accident occurred on Southside Avenue in the city of Asheville, near the intersection of Choctaw Street. The automobile was being operated in a Northerly direction by Canaday on Southside Avenue when he lost control of the said vehicle, veering off of the East side of Southside into a guy wire and power pole, resulting in the injury of this claimant.

The claimant received the following injuries: Four broken ribs, a broken right arm, laceration of the left leg below the knee, requiring over one hundred and fifty stitches to close the laceration, and was generally bruised about the body.

The claimant has sustained special damages in the sum of FOUR HUNDRED ($400.00) DOLLARS and personal injury damages in the sum of TEN THOUSAND ($10,000.00) DOLLARS for all of which she contends the City of Asheville is liable.

Thanking you for your cooperation, I am

Sincerely yours,

S/ Earl J. Fowler
Earl J. Fowler

EJF:S

ORDINANCE NO. 428 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

Ordinance No. 428, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE ... #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of ... Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morgan voted "aye"
Councilman Preslar voted "aye" — Vice-Mayor Mulvaney voted "aye"

... JURISDICTION - ANNEXED ...

Councilman Preslar introduced a resolution approving a tentative agreement entered into between the ... Council and the Clerk of the Superior Court of Buncombe County relating to court jurisdiction in the recently ... area to the city, which was, upon motion of Councilman Preslar, seconded by Councilman Morgan, unanimously ... adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 5.

There being no further business, the meeting was upon motion adjourned.

Margaret Lemmond
CITY CLERK

Thursday, April 7, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 7, 1960, at 4:00 o'clock P. M. with Mayor ... R. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, W. F. Algary, J. W. McRary ... City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

... & WILLIAMS REQUEST ... BE INCLUDED IN REDEVELOP- ... PROJECT AREA NO. 1

A communication was received from Dunn & Williams Funeral Home requesting to be considered as a ... potential redeveloper in Redevelopment Area #1.

April 1, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

We submit herewith for your consideration and further review by the appropriate agency a request that the Dunn & Williams Funeral Home, 57 North Spruce Street, be considered as poten...

tial redevelopers in redevelopment area #1 in the general area from which our business is now being conducted.

Yours very truly,

S/ W. Earl Williams
W. Earl Williams

S/ Roy A. Williams
Roy A. Williams

Enclosure
cc: -Redevelopment Commission
of the City of Asheville

The Council referred this request to the Redevelopment Commission of the City of Asheville for consideration.

A communication was received from W. V. Burrow, attorney for Richard D. Hildebrand, Sr., Norman S. Hildebrand and Rose Hildebrand Brown, expressing the intention to request rezoning of certain lots or parts of lots on Sheet 24, Ward 8.

April 7, 1960

NORTH CAROLINA
BUNCOMBE COUNTY

TO: The honorable Mayor and members of the City Council of the City of Asheville:

Gentlemen:

The undersigned requests that the following letter of protest and intention be filed with the minutes of the meeting of the Council to be held on April 7, 1960.

"The undersigned are owners of Lots 19, 79, 74, 20, 20½, 73, and 23 as shown on Sheet 25 of Ward 8, same being certain lots referred to in the zoning ordinance that is being considered today upon final reading.

The undersigned understand that the present zoning ordinance has in certain respects been a controversial one regarding Sheet 25 property, and do not desire to inject any unnecessary controversy into the matter of final passage of this ordinance. However it is our intention at some future date to apply to the proper authorities for re-zoning of certain of the above lots, or parts thereof, and the undersigned desire that their feelings in regard to this property be made a matter of record.

Re: Lot 19: This is a 45 acre tract adjacent to the Tunnel Road which has, over the past years, been readied for business use. The front portion of this lot has already been leased for commercial to a considerable depth, and various plans are underway for commercial use of the entire property. The zoning authorities, in their best judgment, apparently concluded that property more than 660 feet from the highway is not adapted to commercial use. However it is conceded by all that this depth factor was more or less an arbitrary one, and in fact was not applied to any properties on the Tunnel Road other than Lots 19 and 19½. The undersigned had the option of keeping this entire tract in the County, chose to permit same to come into the City, and are now hopeful that they will not be penalized from utilizing their property to its best use by reason of their cooperative decision to include this property in the City of Asheville city limits.

Re: Lots 79, 74, 20, 20½, 73, and 23: This property is a contiguous tract with 200 feet frontage on the Tunnel Road and several acres of immediately adjacent property behind the Skyway Motel and Mountaineer Court, reached by access through the 200 foot frontage. Lots 79 and 74 alone are assessed at approximately a fair market value of $40,000.00. The value of the adjacent property depends entirely upon this zoning and access. Lot 20½ has been zoned for residential purposes, completely ignoring the logical land use of the major portion of this tract, and in fact isolating comletely Lots 23 and 73 from the access provided Lots 74 and 79. The undersigned are of the opinion that Lot 20½ should ultimately be split for zoning purposes so that the logically residential property on Beaucatcher Road can be retained for residential development, the logical commercial property adjoining the Skyway and Mountaineer Courts be zoned for business. Actually the undersigned assume that the property would have been so zoned if there had been other lines on the map could have been easily used in drafting the new zoning ordinance. The undersigned expect, at some future date to have Lot 20½ surveyed in cooperation with zoning officials, and considering projected use of this lot, by using a new line through Lot 20½ which will logically divide the commercial property from the residential pro-

Respectfully submitted to Council prior to final reading of Zoning Ordinance this 7th day of April, 1960.

Richard D. Hildebrand, Sr.
Norman S. Hildebrand
Rose Hildebrand Brown

By S/ W. V. Burrow
Attorney

This letter was received as a matter of information by the Council.

A communication was received from the State of North Carolina Utilities Commission which advised that the material on rates in the Kriek report agreed with Commission records, and suggested as a next step the informal discussion of rates with the Commission's electrical engineer, or filing of a formal rate complaint against the Carolina Power & Light Company.

Councilman Algary moved that the Council request a conference with the Commission's electrical engineer, which motion was seconded by Councilman McRary, and unanimously adopted.

ORDINANCE NO. 428 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 428, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING

ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE #428

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) Adding a new district to the districts heretofore established, said new district to be known as ROADSIDE BUSINESS AREA and described in Section 6A, which is hereby added to the present zoning ordinance following Section 6, with the following provisions applicable to said Roadside Business Area:

SECTION 6A

ROADSIDE BUSINESS AREA

A. Uses Permitted

Within any Roadside Business Area no lot, building, or structure shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any other than one or more of the following specified purposes:

1. Any use permitted in Neighborhood Trading Area.

2. Hotels and Inns.

3. Assembly halls, coliseums, and stadia.

4. Passenger stations.

5. Commercial amusement enterprises, such as billiards, bowling, dance hall, indoor and outdoor theatres, private and public clubs, shooting gallery and skating rink.

6. Frozen Food Lockers.

7. Bottling plants.

8. Public utility service.

B. Off-street Parking

Off-street parking shall be provided in Roadside Business Areas in accordance with the off-street parking requirements established for Neighborhood Trading Areas.

C. Area Regulations

Building setbacks and yards shall be provided in Roadside Business Areas in accordance with the area regulations established for Neighborhood Trading Areas, provided that where a tract three acres or more in area is to be improved for the uses provided in this district a site plan shall be furnished to the City Council, showing the proposed construction and other improvements to be placed thereon, and City Council shall have the right to establish other setback and yard regulations with respect thereto greater than those required in Neighborhood Trading Area.

(2) That the following property be rezoned from Industrial District to Commercial District:

Lots 1, 7½, 8, 8½, 9½, 9, 10, 11 and 157 in Block "5", Sheet 11, Ward 3; and
Lots 7 thru 10, inclusive, 13, 13½, 14, 15½, and 15, Ward 3, Sheet 16; all of said lots being between Hall and Williams Streets.

(3) That the following described property be rezoned from Commercial District to Business District:

Lots 45 thru 47, inclusive, 466 and 467, Sheet 15, Ward 3, all of said lots being between the expressway and Buttrick Street.

(4) That the following described property be rezoned from Business District to RA-5 Residential Dis-

N. W. Corner Hill Street, Edgewood, Block "a", Lots 245 thru 249, inclusive, Sheet 15, Ward 3; and N. E. Corner Hill Street, Edgewood, Block "C", portion of lot 464 zoned Business.

(5) That the following described property be rezoned from RA-5 Residential District to Business Dis-

Between Buttrick Street and Starnes Alley, Lots 86, 86½, 87, 87½, Sheet 14, Ward 3.

(6) That the following described property be rezoned from Business District to RA-6 Residential

N. W. Corner Flint and Cherry, Lots 259 thru 263, inclusive, Sheet 2, Ward 3.

(7) That the following described property be rezoned from Business District to Commercial District:

N. E. Corner Flint and Cherry, Lots 164 and 164½, Sheet 2, Ward 3.

(8)That the following described property be rezoned from RA-5 Residential District to Commercial District:

S. E. Corner Starnes and Rankin, Lots 165 thru 169, inclusive, Sheet 2, Ward 3

(9) That the following described property be rezoned from Commercial District to Roadside Business Area:

S. W. Corner of Merrimon and Marcellus, Lots 39, 40 and 40¼, Sheet 3, Ward 2

(10) That the following described property be rezoned from Business District to Roadside Business Area:

N. W. Corner Merrimon and Marcellus, Lots 29½, 30-3/4, 30½, and 31½, Sheet 3, Ward 2

(11) That the following described property be rezoned from Commercial District to Roadside Business Area:

N. E. Corner Merrimon and Elm, Lots 26, 154 and 155, Sheet 2, Ward 2.

(12) That the following described property be rezoned from Commercial District to RA-6 Residential District:

Near N. E. Corner of Expressway and Hollywood, Lots 11 and 12, Sheet 17, Ward 2; S. E. Corner College and Expressway, Lot 6, Sheet 3, Ward 1; N. E. Corner Woodfin and Expressway, Lots 9, 10, 11, 11½, Sheet 3, Ward 1.

(13) That all of the property shown on Sheets 3, 4, 5, 7, 8, 9, 10, 11, 20, 21, 25, and [illegible] Ward 8 be zoned RA-6 Residential Area, WITH THE EXCEPTION that the following area on Sheets 9, 11, 21, 25, [illegible] shall be zoned Roadside Business Area:

BEGINNING at the intersection of Beaucatcher Scenic Highway and Kenilworth Road, thence along the south side of Kenilworth Road to the N. E. side of Aurora Drive; thence in a southeasterly direction along the southwest property lines of Lots 231, 230, 245, 229, 228½, and 227½, Sheet 9, Ward 8, to the southernmost corner of Lot 227½; thence from said corner in a southeasterly direction to the N. W. Corner of Lot 37 on Sheet 11, Ward 8; thence along the S. W. property lines of Lots 37 and 38 to the S. W. corner of Lot 38 in the northern margin of White Pine Drive; thence in a southeasterly direction crossing White Pine Drive to the N. W. corner of Lot 39; thence along the west line of Lots 39 and 40 in a southerly direction to the N. E. Corner of Lot 1 Sheet 21, Ward 8; thence with the western lines of Lots 4-3/4, 115 and 116 of Sheet 21 to the southeast corner of Lot 101; thence continuing in a westerly direction with a northern line of Lot 116 to the northeast corner of Lot 96½; thence continuing in a southerly direction with the western line of Lot 116 to the southeast corner of Lot 82; thence in an easterly direction with the southern line of Lot 116 to the northwest corner of Lot 4 said sheet; thence in a southerly direction with the western lines of Lots 4 and 113 to the north bank of the Swannanoa River; thence along the bank of Swannanoa River in an easterly direction to the east line of Lot 2 Sheet 21, Ward 8 projected in a southerly direction to said river bank; thence along said line in a northerly direction to the S. E. corner of Lot 6; thence along the northern and western lines of Lot 28 to the N. E. corner of Lot 25½; thence along the north lines of Lots 25½, 25, 24, 23, 22, and 21 in a westerly direction to the S. E. corner of Lot 10; thence along the east property lines of Lots 10, 11, 12, 13, and 14 in a northerly direction to Haw Creek Road; thence along Haw Creek Road in a westerly direction to the S. W. corner of Lot 34; thence along the western line of Lot 34 in a northerly direction to Lot 34½; thence along the southern line of Lot 34½ in a westerly direction to the S. W. corner of Lot 34½; thence along the western line of Lot 34½ in a northerly direction to a point on US Highway No. 70; thence from said point to the easternmost corner of Lot 7; thence along the east side of Lot 7 in a northerly direction to the Old Haw Creek Road; thence along the Old Haw Creek Road in a westerly direction to the easternmost corner of Lot 49, Sheet 11, Ward 8; thence along the N. E. side of Lot 49 in a northwesterly direction to the southern line of Lot 50½; thence along the southern line of Lot 50½ and 50 in a westerly direction to the S. W. corner of Lot 50; thence in a westerly direction to the easternmost corner of Lot 48; thence along the northeast property lines of Lots 48, 47, 44, 43, 42, and 41 in a northwesterly direction to the southern line of Lot 35; thence along the southern line of Lot 35 in an easterly direction to the southeast corner of Lot 35; thence along the east line of Lot 35 in a northerly direction to the N. E. corner of Lot 35; thence along the north property line of Lot 35 in a westerly direction to a point 660 feet east of theof the center line of US Highways 70 and 74; thence along a line 660 feet east of the center line of US Highways 70 and 74 to a point on the north line of Lot 19, Sheet 25, Ward 8; thence along the north line of Lot 19 in a westerly direction to the S. E. Corner of Lot 100; thence along the east line of Lot 100 to the S. E. Corner of Lot 18-3/4; thence in a northerly direction with the meanders of the eastern and northern lines of Lot 18-3/4 to Chunn's Cove Road; thence along the west side of Chunn's Cove Road in a northerly direction to the N. E. corner of Lot 38; thence along the north line of Lots 38 and 38½ in a westerly direction to Old Chunn's Cove Road (abandoned); thence along the south side of Old Chunn's Cove Road (abandoned) in a southwesterly direction to US Highways 70 and 74 at the eastern side of Beaucatcher Tunnel; thence along the western bounds of Lots 44, 39, 43, and 96 in a southerly direction to the S. W. Corner of Lot 96; thence along the southern line of Lots 96 and 101 to the southernmost corner of Lot 101; thence from said corner in a southerly direction to the N. E. Corner of Lot 29½, Sheet 34, Ward 8; thence along the east line of Lot 29½ in a southerly direction to Chunn's Cove Road; thence crossing and along the eastern margin of Chunn's Cove Road in a southeasterly direction to the westernmost corner of Lot 56; thence along the northern line of Lot 56 in an easterly direction to the west line of Lot 97, Sheet 25, Ward 8; thence along the western bounds of Lots 97 and 23 in a southerly direction to the S. W. corner of Lot 23; thence along the southern bounds of Lot 23 and 73 in an easterly direction to the N. W. corner of Lot 74½; thence along the west lines of Lots 74½, 74, 75, and 20½ in a southerly direction to the Beaucatcher Scenic Highway; thence along the Beaucatcher Scenic Highway in a southerly direction to the intersection of Kenilworth Road, the point of Beginning.

Section 2. That the office of the City Engineer is hereby authorized and directed to make changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of its final passage.

I move the adoption of the foregoing ordinance, this 24 day of March, 1960.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 7 day of April, 1960, to become effective 22 day of April, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager presented the statement showing the budget position of the city for the period ending March 31, 1960.

Mr. Manly E. Wright, spokesman for the North Asheville Civic Association, appeared before the Council to urge the Council to complete as quickly as possible the proposed widening of Merrimon Avenue, and presented a resolution from the Asheville Merchants Association endorsing the project. Mr. Weight pledged his group's cooperation in securing the needed right-of-way dedications.

The City Manager advised that information from the State Highway Commission indicates that the new Weaverville highway north of the city will be let to contract in the spring of 1961 and completed about two years later as far south as the interchange with Merrimon Avenue near the city's north limits. The City Manager further advised that the City has plans for Merrimon Avenue calling for a 60 foot right-of-way from its start at the Merrimon-Broadway expressway overpass to Beaverdam Road, the widened thoroughfare to have a 48 foot pavement with six foot sidewalks on either side. Mr. Weir advised that this street is not eligible for federal funds because of the width, but that the city plans to finance this project largely from "code funds" available for municipal improvements, and that the city hopes to obtain the greater part of the needed rights-of-way from property owners without cost, the project to begin this summer if possible.

The meeting was attended by several members of Mrs. Harry Allison's eighth grade social studies class from David Millard Junior High School, and Mrs. Allison

There being no further business the meeting was upon motion adjourned.

Weldon Weir
Margaret Simmons
CITY CLERK

Thursday, April 14, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 14, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, W. F. Algary, C. M. Preslar, R. A. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from Sam L. Irvin requesting approval by the Council of the proposed plot plan for the Star Lanes Bowling Center to be located on the corner of Kenilworth and Beaucatcher Roads.

This matter was discussed by the Council, and upon motion of Councilman Sumner, seconded by Councilman Morgan, the proposed plot plan as revised was approved by the Council.

A communication was received from W. C. Breazeale and Ray Coppedge requesting approval by the Council of a proposed plan to construct a "Par 3" Golf Course on the Tunnel Road.

The City Manager recommended that the Council approve the golf course plan with off-set parking facilities only, and, upon motion of Councilman McRary, seconded by Councilman Algary, this action was taken.

A communication was received from R. P. Booth requesting the rezoning of Lots 107 and 107½ located on the east side of Merrimon Avenue, south side of Larchmont Road and North side of Eliza Street to their entire depth to Neighborhood Trading Area.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

A communication was received from James E. Carson, Chief of the Beaverdam Volunteer Fire Department, requesting the City Fire Department to furnish mutual aid by agreement to this newly organized department effective immediately.

The City Manager suggested that this matter be referred to the Department of Public Safety with authority to act, and following a discussion this action was taken by the Council.

Councilman Algary introduced a resolution accepting Queen Carson School property from the ville City Board of Education, which was, upon motion of Councilman Algary, seconded by Councilman McRary, mously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 6.

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

THIS AGREEMENT, Made and entered into this the 5 day of April, 1960, by and between THE AS VILLE CITY BOARD OF EDUCATION, party of the first part, and the CITY OF ASHEVILLE, party of the second part WITNESSETH:

That for and in consideration of the sum of One Dollar to it in hand paid, the party of t part does hereby lease unto the party of the second part for a term of fifty (50) years, that property on w wood Street, in the City of Asheville, known as Queen Carson School, and which is not now in use as school upon the following terms and conditions:

1. That said property be used in the public interest in connection with the City of Ashev City Parks and Recreation Department.

2. This lease shall continue in effect for a period of fifty years from and after the a of the same by the City of Asheville, - acceptance meaning the signing of the lease by the proper officers City of Asheville; provided, however, that during said fifty year period The Asheville City Board of Educa determine that said property should be necessary or useful for school purposes, then and in that event The City Board of Education may terminate said lease by giving to the City of Asheville six months notice of i tion so to do.

IN WITNESS WHEREOF The Asheville City Board of Education has caused this instrument to b by its duly qualified officers, and the City of Asheville has caused this instrument to be executed by its thorized officers, with proper seals attached, all by order of the respective governing bodies, on the day first above written.

ATTEST:

S/ E. C. Funderburk
Secretary

THE ASHEVILLE CITY BOARD OF EDUCATION

By S/ Mrs. Don R. Prin
Chairman

ATTEST:

S/ Margaret Simmons
Secretary, City Clerk
(SEAL)

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

I, S. M. Connor, a Notary Public in and for Buncombe County, do hereby certify that E. C burk, personally appeared before me this day and acknowledged that he is Secretary of The Asheville City Education, and that by authority duly given and as the act of said Asheville City Board of Education, the instrument was signed in its name by its Chairman, and attested by himself as its Secretary.

WITNESS my hand and Notarial Seal, this the 14 day of April, 1960.

My commission expires
February 3, 1961

S/ S. M. Connor
Notary Public

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE.

I, Lillian Ducker, a Notary Public in and for Buncombe County, N. C., do hereby certify Margaret Simmons personally appeared before me this day and acknowledged the due execution by her as Secre City Clerk, of the City of Asheville, and that, by authority duly given, and as the act of said City of A the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested as its Secretary, City Clerk.

WITNESS my hand and Notarial Seal, this the 15 day of April, 1960.

My commission expires
Dec. 16, 1960
(SEAL)

S/ Lillian Ducker
Notary Public

Mr. Lindsey Gudger, architect, discussed alternate plans for a new Armory, one being an building with 25,400 square feet of floor space on the main floor, a seating capacity of 3,600 for basket other sports and 5,600 for conventions, and a larger building with 39,000 square feet of floor space, a s capacity of some 7,600 for sports and 10,000 for conventions. Mr. Gudger advised that the time schedule bids to be opened on June 7th, and federal contract schedules call for awarding the contract on June 9th.

The City Manager advised the Council he has been assured by the County Commissioners that County will share 50-50 with the city in the local construction costs of any jointly approved armory proje

Mr. Harold C. Wilburn spoke briefly in support of the larger armory.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, April 21, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 21, 1960, at 4:00 o'clock P. M. with Mayor . W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, T. B. Sumner, J. W. McRary, W. F. Algary, . B. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Mr. Carroll E. Hadley explained the objectives of Geriatrics, Inc. in constructing a hospital here for the care of aged and convalescent patients. Mr. Hadley stated he has been advised by the State Attorney General the the firm should secure approval of both the city and county governments in order to meet state statute require- nts for financial promotion of such an institution.

Following a discussion, Councilman Preslar introduced a resolution approving in principle the pur- ses for which Geriatrics, Inc., a North Carolina corporation has been organized, to-wit, the providing of care and atment for convalescents and other ill or infirm persons, which was, upon motion of Councilman Preslar, seconded Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 7

Councilman Morgan introduced a resolution authorizing the City Street Department to take over and intain from and after June 29, 1960 streets and roads within the area annexed to the City on January 1, 1960, which , upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 8.

Councilman McRary introduced a resolution authorizing Mayor to execute right-of-way to Carolina wer & Light Company, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously opted.

Complete copy of resolution will be found in Resolution Book 4, page 9.

TE OF NORTH CAROLINA,
UNTY OF BUNCOMBE.

KNOW ALL MEN BY THESE PRESENTS, that CITY OF ASHEVILLE, a municipal corporation of the State of rth Carolina, grantor(s) of said County and State, in consideration of the sum of $1.00, to me (us) in hand paid CAROLINA POWER & LIGHT COMPANY, the receipt whereof is hereby acknowledged, do hereby grant unto said CAROLINA WER & LIGHT COMPANY, its successors and assigns, the right, privilege and easement to go in and upon that certain act or lot of land situated in said County and State, containing two lots bounded by lands of U. S. Hwy #70 on the rth, W. A. Brinkley on the East, Walter J. Knoll on the South, and Douglas J. Furniss on the West, to serve new ite Station, 771 Tunnel Road and to construct, maintain and operate in, upon, and through said premises, in a wer manner, with poles, wires and other necessary apparatus and appliances, a line for the purpose of transmit- ng power by electricity, together with the right at all times to enter upon said premises for the purpose of specting said line and making necessary repairs and alterations thereon; and the right to permit the attachment and/or carry in conduit wires and cables of any other company or person; together with the right at all times to t away and keep clear of said line all trees and other obstructions that may, in any way, endanger the proper intenance and operation of the same. To have and to hold the aforesaid right,privilege and easement unto the CAROLINA POWER & LIGHT COMPANY, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused this easement to be signed in its name by its duly author- ed officers, and its corporate seal to be hereunto affixed, this 21st day of April, 1960.

TEST:

S/ Margaret Simmons
City Clerk

CITY OF ASHEVILLE

By S/ E. W. Eller (Seal)
Mayor

(SEAL)

ate of North Carolina
unty of Buncombe

I, Lillian Ducker, a Notary Public in and for the State and County aforesaid, do hereby certify t Margaret M. Simmons personally came before me this day and acknowledged that she is City Clerk of the City of heville, a municipal corporation of North Carolina, and that, by authority duly given and as the act of the cor- ration, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested herself as its City Clerk.

Witness my hand and Notarial seal, this 22 day of April, 1960.

commission expires:
ec. 16, 1960
eal)

S/ Lillian Ducker

ITY PROPERTY
SES - OTHER SUR

The City Manager reported an offer of $1,080 for a five acre city-owned tract west of Oteen, and e Council requested the City Manager to secure an independent appraisal of the property before any further action aken on this offer.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, April 28, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 28, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Shelby E. Horton, Jr., attorney for A. J. Shipman, filed notice of injuries to said Shipman, which claim was referred to the Corporation Counsel for investigation.

April 22, 1960

The Mayor and the City Council
Asheville, North Carolina

Re: Injuries sustained by A. J. Shipman, aged 12, on or about April 11, 1960

Centlemen:

This is to notify you that the above named minor child sustained painful and permanent injuries on April 11, 1960, as a result of falling off the sidewalk on West Haywood Street. Claimant was riding a bicycle and fell over said sidewalk at a point where excavation to a depth of approximately six feet had previously been completed, but where no guard-rail or other protection had been placed.

As a result of the injuries sustained A. J. Shipman, born July 7, 1949, was hospitalized from April 11, until April 17, 1960, and is now undergoing treatment for broken jaws and other injuries.

As attorney for A. J. Shipman and for his parents, I shall be happy to discuss these matters with your Attorney.

Respectfully yours,

HORTON AND HYLDBURG

BY S/ Shelby E. Horton, Jr.
Shelby E. Horton, Jr.

SEH,Jr.:bb

A claim was presented on behalf of Mark Herren for damages to his automobile in the amount of $185.00, which claim was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE — NOTICE OF CLAIM

TO THE CITY OF ASHEVILLE, NORTH CAROLINA:

The undersigned, Mark Herren, hereby files a claim against the City of Asheville, North Carolina, in the amount of $185.00 for damages to his 1941 Chevrolet caused by a ditch digger of the City of Asheville and driven by an employee of the City of Asheville on or about March 31, 1960, on the Canton Highway near Candler, when the City of Asheville ditch digger negligently pulled out into the automobile driven by Mark Herren, Jr., the son of the undersigned. The car belonging to the undersigned was a complete loss and was purchased just a short time before for the amount of $185.00.

This the 27th day of April, 1960.

WITNESS; S/ Mark Herren

S/ Lucile Duckett

Councilman Sumner introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 10.

Councilman Mulvaney introduced Ordinance No. 429, being "AN ORDINANCE LEVYING, ASSESSING, ING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1960 AND ENDING MAY 31, 1961", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, mously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ALCOHOLIC CONTROL

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending March 31, 1960.

Councilman Algary discussed the informal conference held last week with Leroy M. Keever, electrical engineer of the State Utilities Commission, at which Mr. Keever acknowledged that Carolina Power & Light industrial rates average five to ten per cent higher than Duke's, but said the State Utilities Commission believes the higher rates are justified by higher operating costs of that firm in serving a more extended territory.

Councilman Algary stated that the original request for an investigation of local power rates came from American Enka Corporation, and asked that his prepared statement be made a part of the minutes as follows:

"April 28, 1960

"1. This is not a fight with the power company. This is a fight for this community, not only its growth but actually its survival on the basis of a sound economy.

"2. The problem is twofold. First, it is differential in rates for industrial power between industrial customers in Henderson County and Buncombe County or to be more specific, between a plant in Fletcher and one in Arden. The plant in Arden would pay an average of 10% or more for power than the plant in Fletcher. Last week the State Utilities Engineer spent a great deal of time in attempting to justify the utilities commissions permitting this wide differential. I question the correctness of this action which the engineer admitted is done in order to guarantee the Carolina Power and Light Company 6% net profit.

"3. The other part of the question is the adequacy of power being produced in this area to meet the needs of the area. Here again the utilities engineer and the power companies themselves have admitted that it is necessary to have a firm contract with the Appalachian Power Company for 100,000 KW. It is actually produced in West Virginia and 35,000 KW from Duke is actually swapped out with power produced in Hartsville, South Carolina while only 100,000 KW is produced by Carolina in this area. This gives a total of 235,000 KW of power that the power company and the State Utilities Commission feel is necessary for this area. Otherwise, I am sure the power company would never have signed these outside contracts. This means that only 42% of the power they feel is necessary is produced in this area. The balance of this power is being produced by plants in other states and on which other states are collecting ad valorum taxes.

"4. This presents a very serious present and future problem for this community by the very fact that though the Carolina Power and Light Company alone has built or enlarged five generating plants in Eastern Carolina in the past 10 years, not a single generating unit has been built or expanded in Western Carolina in the past 10 years.

"It seems to me that this alone should be something to arouse every right thinking citizen in this area."

Councilman Sumner supported Councilman Algary's statement, and stated that if another company can furnish power for less than Carolina Power & Light Company, why not give them the franchise?

Councilman Morgan suggested inviting Carolina Power & Light Company to present its side of the case to the Council.

The City Manager stated that he thought airing the rate problem has been a wholesome decision, and suggested that no further action be taken in the matter for six to eight weeks, in order to give the Carolina Power & Light Company an opportunity to review the matter and analyze the facts which have been developed.

The Council concurred in this suggestion.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, May 5, 1960 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

Margaret Simmons
CITY CLERK

Thursday, May 12, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 12, 1960, at 4:00 o'clock P. M. with Mayor Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of 107 and 107½, Sheet 8, Ward 9.

May 4, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that portions of tax lots 107 and 107½, Sheet 8, Ward 9, which are now in RA-6 Residential Area be rezoned Neigh-

borhood Trading Area to conform with the remainder of said lots.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

This recommendation was accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same, by motion of Councilman Preslar, seconded by Councilman Algary, and unanimously adopted.

(Lot...

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 4 thru 7½, inclusive, Sheet 28, Ward 7.

May 4, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed by the Commission that Lots 4 thru 7½, inclusive, Sheet 28, Ward 7, remain Residential as now zoned.

Sincerely yours,

AR:nr
Encl.

S/ Anthony Redmond,
Anthony Redmond
Secretary

This recommendation was accepted as information by the Council.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Parkway Knolls Subdivision.

May 12, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of an extension to the Parkway Knolls subdivision which was prepared by Carter and Bearden, Engineers, for Mr. W. B. Nixon and dated April 18, 1960 shows the subdivision of property at the end of Memory Lane in the Haw Creek area.

The plat has been reviewed by this Commission at its regular meeting on April 6th, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:

S/ John R. Hampton
John R. Hampton,
Planning Director

DIV...

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Happy Valley Subdivision.

May 12, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Happy Valley subdivision which was prepared by Carter and Bearden, Engineers, for Happy Valley, Inc. and dated May, 1960 shows the subdivision of property adjacent to Haw Creek Road.

The plat has been reviewed by this Commission at its regular meeting on April 6, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:

S/ John R. Hampton,
Planning Director

Councilman Sumner moved that both of said plats be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A communication was received from Perry M. Alexander, Jr. requesting the rezoning of approximately 5 acres of land lying approximately four hundred feet off of the old Swannanoa Highway.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

Mr. James W. Regan and Mr. Robert R. Stanton, attorneys for Bonnie Reece, presented a claim for damages for personal injuries in the amount of $1000.00, which was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE COUNTY

N O T I C E

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Mrs. Bonnie Reece, of Buncombe County, North Carolina, by and through James W. Regan and Robert R. Stanton, her attorneys, pursuant to section 146 of the city charter of the City of Asheville, hereby claims and demands damages of City of Asheville as the result of personal injuries sustained on the 6th day of March, 1960 on a public street in said City, as follows: that the said Mrs. Bonnie Reece while on her way home from work in the City of Asheville slipped and fell on ice which had been permitted to remain on side walks of the City of Asheville for a long period of time and that as a result thereof the undersigned claimant received the following injuries: that her arm was caused to be broken in two places; one break being slightly above her elbow and the second break being her arm above her wrist.

The dangerous condition which was the cause of the above described injuries resulted from the negligence of the City of Asheville and that as a consequence of the negligence of the City of Asheville in after having knowledge of the dangerous conditions of the side walks of the City of Asheville had for a long length of time permitted ice to accumulate on the side walks; said City has greatly damaged the undersigned claimant, temporarily destroyed her earning power, caused her to incur expenses for medical attention, great inconvenience, pain, and suffering, in the sum of ONE THOUSAND AND NO/100 ($1000.00) DOLLARS.

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her counsel, and respectfully requests payment of same to James W. Regan.

This 6th day of May, 1960.

S/ Bonnie Reece
CLAIMANT
S/ James W. Regan
ATTORNEY FOR CLAIMANT
S/ Robert R. Stanton
ATTORNEY FOR CLAIMANT

The Council received an invitation from the State of North Carolina Department of Archives and History to attend a "log-raising" ceremony at 2 p. m. Friday, May 13th, marking the start of restoration work on the Vance birthplace.

AN ORDINANCE IMPOSING ... AND PRIVILEGE ... OF ASHEVILLE FOR ... BEGINNING JUNE ... 1961

Ordinance No. 429, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING MAY 31, 1961, being up for its second reading Councilman Algary stated that a question had been raised by down town eating places as to the privilege fee for eating places in the newly annexed territory which have no stools or seats and the majority of the food is served in cars.

The City Manager advised that the state statute permits a base tax of $2.50 for eating places plus $1.00 per seat additional, and that he had discussed the matter of drive-in eating places with the attorney for the North Carolina League of Municipalities. Under the state statute cities are prohibited from imposing a further tax, but that legislative relief could be sought to aid in equalizing privilege taxes between the two types of restaurants, and the Council agreed with this suggestion.

Following the discussion said Ordinance #429 was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ADVISORY BOARD - SMOKE ABATEMENT - APPOINTMENT OF MEMBER (William O ...

The City Manager advised that a vacancy exists on the Advisory Board created under Ordinance #310 by the recent death of Mr. Verne Moser, and that the Citizens Committee for Smoke Abatement had recommended the appointment of Mr. William O. Barnard, Jr. to fill this vacancy.

Whereupon, Councilman Morgan introduced a resolution appointing member of Advisory Board [illegible] created under Ordinance #310, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, [illegible] mously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 11.

Mr. John D. Johnston, Jr., attorney for N. R. Crawford, offered the City title in fee simple to a strip of land bordering Evergreen Lane, and advised that the acceptance by the City would enable the construction of an eight-unit apartment house at 7 Edgemont Road, a building permit for which had been revoked by the Board of Adjustment because a survey revealed the lot lacked seven inches of meeting the 70 foot average width required under the zoning ordinance for erection of a multiple dwelling in an RA-8 Residential Area.

The City Manager advised that the acceptance of this strip of land would enable the city to widen 20 foot Evergreen Lane where it joins Charlotte Street.

Following a discussion Councilman Sumner moved that the City accept title to this property, which motion was seconded by Councilman Preslar and unanimously adopted.

Mr. J. G. Barham, representing the Rhododendron Civitan Club, presented a resolution favoring a proposed new armory with a seating capacity of 7,600 as compared to a smaller alternate proposal for a 3,300 seating capacity.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY C[illegible]

Thursday, May 19, 1960 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR CITY [illegible]

Thursday, May 26, 1960 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR CITY CL[illegible]

Thursday, June 2, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 2, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received requesting the rezoning of Lot No. 1, recorded in Plat Book 154 [illegible] 202, which property is located on Knoxville Place, from Business District to Residential District.

A petition was received requesting the rezoning of Lots 37 thru 50 on sheet 6, ward 6, [illegible] property is on the west side of Haywood Road and South from Brownwood Avenue, from Business District to Com[illegible] District.

The Council referred these two petitions to the Planning and Zoning Commission for study and recommendation.

[illegible] CHAMBER OF COMMERCE
HAW CREEK LIONS CLUB, ASHEVILLE
[illegible] ASSOCIATION
[illegible]

Resolutions favoring a proposed new armory with a seating capacity of 7,600 as compared to a smaller alternate proposal for a 3,300 seating capacity were presented by the Asheville Chamber of Commerce, the Haw Creek Lions Club, the Asheville Merchants Association and the Junior Chamber of Commerce.

[illegible] - [illegible] on Merrimon Avenue at [illegible]

A communication was received from the Planning and Zoning Commission recommending Council approval to the proposed earth work at a Phillips Gasoline Station on Merrimon Avenue at Marcellus Street, under Ordinance #427, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND".

Upon motion of Councilman Morgan, seconded by Councilman Algary and unanimously adopted, Council approved the drawings showing the proposed earth work.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Hi Alta Park - Unit One.

June 1, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Hi Alta Park - Unit One - prepared by Grover Haynes, Engineer, for Mr. Tom C. Smith shows the subdivision of property on Hi Alta Avenue. Hi Alta Avenue is located off Deaverview Road.

The preliminary plat has been reviewed by this Commission at its regular meeting held today. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr

[illegible] - [illegible]
[illegible]

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Busbee View Park.

June 1, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Busbee View Park prepared by Grover C. Haynes, Engineer, for Mr. Dan Harmon and dated May 10, 1960 shows the subdivision of property on Erwin Avenue, bound on the south by the Southern Railroad and on the north by Second Street. Erwin Avenue intersects Fairview in the Oakley Area.

The preliminary plat has been reviewed by this Commission at its regular meeting on May 4, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr

[illegible] SMITH -
[illegible] NOER SUBDIVISION

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of "Property of George W. Smith".

June 1, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Property of George W. Smith" was prepared by Grover C. Haynes, Engineer, for Mr. George W. Smith. The plat is dated May 14, 1960, and shows the subdivision of property on Hi Alta Avenue. Hi Alta Avenue is located off Deaverview Road.

The preliminary plat has been reviewed by the Commission at its regular meeting held today. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr

[illegible] FOREST, SECTION ONE -
[illegible] OF PLAT UNDER SUBDIVISION
[illegible] #424

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Section One of the Parkway Forest Subdivision.

May 26, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Section One of the Parkway Forest Subdivision prepared by Thomas P. Heritage, Engineers, for Pilot Construction Company and dated May 12th, 1960, shows the subdivision of property adjacent to the Veteran Administration Hospital at Oteen.

The plat has been reviewed by this Commission at a special meeting held on February 10th, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr

Councilman Sumner moved that all of the above plats be approved by the Council in accord with the requirements of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopt

ORDINANCE NO. 429 AN ORDINANCE LEVYING,

OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING

Ordinance No. 429, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LI AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING MAY 31, 19 was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and f reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 429

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVI FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING MAY 31, 1961

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinaf specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, oc tions, or doing the act named, or selling or offering for sale any of the articles enumerated herein, within corporate limits of the City of Asheville, from the first day of June, 1960, to the thirty-first day of May, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance the office of the Director of Finance. If any person shall fail to pay any license tax required by this ord by September 1, 1960, 2% per month of the amount of such license shall be added to the tax required, and no shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The of the two (2%) per centum per month on the amount of said license tax shall not exempt the delinquent from penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall lieve the party paying same from liability for any other tax specifically imposed for any other business con by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupati doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, ap and procure in advance, from the Director of Finance or someone designated by him, for license, and upon th of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted cuously in the place of business licensed, and if the licensee has no regular place of business, the license kept where it may be inspected at all times by the proper city officials. No license shall be transferable signable except by consent of the City Manager.

Section 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, tion, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a co the names of the officers, including the manager. And the Director of Finance shall also have the right to the owner, proprietor, manager, or other person interested in or connected with such business, to give evid oath, touching the manner in which such business has been or is to be conducted, as well as any other facts Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connecte hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gar Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.

15. Pawnbrokers.
16. Second-hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is table place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or like of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall exe a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter cted, relating to such business, and further conditioned to save the City harmless from damage arising from the neg ence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbrokers	$1,000.00
2. Junk Dealers	$1,000.00
3. Electrical Contractors	$1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	$1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	$1,000.00
7. House Movers	500.00

Section 5.

That whenever the word "person" is used in this ordinance, the same shall be construed to include ms", "companies", "corporations", and "associations".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or ner facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and h other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in her case, the Director of Finance shall not be required to receipt for the money or issue any licenses until satisfac ry proofs are furnished. In case the business for which the license is required is commenced after June 1. 1960. and x on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined ther facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon ided, however, that the Director of Finance shall have the right at any time during the period covered by any license quire of such licensee additional sworn statements as to the sales and receipts or other determining facts of such ness, and an additional license tax shall be paid in accordance therewith

Section 7.

When any business is begun after Jan. 1, 1961 the licensee shall pay for such business and the ilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B. of the Revenue of the State of North Carolina for 1939, as amended.

Section 8

The adoption of this schedule of license tax shall not abridge the right of the City Council to , alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses , or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked s such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared uncon tional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a defi or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, rson in charge of the business, or employees, shall violate any ordinance or law relative to such business, or victed of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, wel safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the per whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violat this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after a revo or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is shed with a list of all unpaid license taxes for the fiscal year of 1960-1961, and it shall be the duty of the itor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and e that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business,

trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegally operated the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 398 entitled "AN ORDINANCE LEVYING, ING, IMPOSING, AND DEFININC THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGI JUNE 1, 1957 AND ENDINC MAY 31, 1958", as recorded in City of Asheville Docket 33 of the Minutes of the Proc of the Council at pages 458 through 511 and a portion of 512, and as same as recorded in City of Asheville Do No. 4, Ordinances of the City Council, at pages 90 through 143 and a portion of page 144, be and the same is adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herei ther with all amendments thereto, with the EXCEPTION that "LICENSE SCHEDULE", being Section 15 of Ordinance hereby amended by striking out the classification "FUEL OIL" and inserting a new section as hereinafter set by adding therein the following classification in the appropriate alphabetical section:

(1)

DRIVE-IN THEATRES

Each Drive-In Theatre Location, per annum - $212.50

(2) FUEL OIL DEALERS

Every person, firm, or corporation, engaged in the business of selling or delivering fue at wholesale or retail within the corporate limits of the City of Asheville, upon presentation of certificat meter inspection as required by the State of North Carolina, shall pay a license tax of, per annum - - - - -

Section 16.

Any person who shall willfully make any false statement in an application for license u section of this ordinance or schedule, shall, upon conviction, be liable for a penalty of fifty ($50.00) do

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any heretofore made, or any right heretofore acquired under any ordinance of this city.

That this ordinance shall become effective June 1, 1960.

I move the adoption of the foregoing ordinance, this the 28 day of April, 1960.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted by the Council on first reading, 28 day of April, 1960, wit bers of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 12 d 1960, with all members of the Council present voting "aye"; and upon its third reading approved and adopted 2 day of June, 1960, with all members of the Council present voting "aye". This ordinance shall become eff day of June, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Judge Guy Weaver, representing E. F. Johnson, Agnes Johnson, Clifford H. Henline and I Henline, owners of certain property on Parkside Avenue, presented a petition requesting that the portion Avenue from the West intersection of Ivy Street with the Northern line of Parkside Avenue a distance of 180 40 feet be closed as a public street.

The Council referred this petition to the City Manager for study and report.

The City Manager announced that this is the date set for the public hearing on the re Lots 107 and 107½, Sheet 8, Ward 9, located on the East side of Merrimon Avenue, South side of Larchmont R North side of Eliza Street.

Following the public hearing, there being no objection to said rezoning, Councilman M introduced Ordinance No. 430, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDI KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon mo Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the follo

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner introduced a resolution authorizing Mayor to execute quit-claim deed to Marshall Meredith, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted

Complete copy of resolution will be found in Resolution Book No. 4, page 12

THIS INDENTURE, made this 17th day of May, 1960, by and between CITY OF ASHEVILLE, a Municipal poration existing under and by virtue of the laws of the State of North Carolina, party of the first part, and RSHALL F. MEREDITH, party of the second part,

W I T N E S S E T H:

THAT WHEREAS, by deed registered September 17, 1947 in Book 646 at page 35, Buncombe County re- , the County of Buncombe did convey to MARSHALL F. MEREDITH and W. S. HARRISON the property hereinafter described.

WHEREAS, in said deed it is recited that the City of Asheville and the County of Buncombe are the d owners of said property by virtue of a deed from the Board of Financial Control of Buncombe County, and that by olution of the City Council of Asheville, North Carolina, under date of September 11, 1947, the interest of the City sheville in said property was authorized to be conveyed to the said Marshall F. Meredith and W. S. Harrison, and

WHEREAS, the said property was acquired by the Board of Financial Control through the liquidation collateral security owned entirely by the County of Buncombe, and

WHEREAS, the City of Asheville does not claim any interest in said property, and by these presents ires to convey and quitclaim any interest which it has or which it may appear to have because of the failure of the rds in the Office of the Register of Deeds for Buncombe County, N. C., to reveal the true ownership of the property.

NOW THEREFORE, for and in consideration of the premises and the sum of one dollar, the receipt of ch is hereby acknowledged, the City of Asheville has sold, released, remised, conveyed and quitclaimed and by these sents does hereby sell, release, remise, convey and quitclaim unto the said Marshall F. Meredith, the present owner said property, any and all right, title and interest that the City of Asheville has or may have in and to the follow- described lots or parcels of land lying in the City of Asheville, State of North Carolina, on the Eastern margin of rside Avenue, to-wit:

Being Lots 17 and 18 of Block C as shown on a plat of a portion of the Smith Estate, recorded in Plat Book 7 on Page 26 in the Office of the Register of Deeds for Buncombe County, North Carolina. Being also a portion of the property conveyed in two separate deeds recorded respectively in Book 455 at Page 271 and in Book 496 at Page 572 in said Register's Office.

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereunto ging, or in anywise appertaining, unto the said party of the second part, his heirs and assigns, to the only use behoof of him and his said heirs and assigns forever.

IN WITNESS WHEREOF, the City of Asheville has caused these presents to be signed by E. W. Eller, Mayor, attested by Margaret Simmons, City Clerk, and the Corporate Seal to be hereunto affixed, this the day and first above written.

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

Margaret Simmons
City Clerk

TE OF NORTH CAROLINA
NTY OF BUNCOMBE

On this 3 day of June, 1960, personally appeared before me, a Notary Public in and for the said and County, E. W. Eller, who being by me duly sworn, deposes and says: that he is Mayor of the City of Asheville, that the Seal affixed to the foregoing and annexed deed is the Corporate Seal of said Corporation, and that said in- ment was signed and sealed by him in behalf of said Corporation by authority duly given, and the said E. W. Eller knowledged said writing to be the act and deed of said Corporation.

WITNESS my hand and Notarial seal this the day and year first above written.

mission expires:
Dec. 15, 1960

S/ Lillian Ducker
Notary Public

RIDGE, INCORPORATED - AGREEMENT
ATING TO RESERVOIR AND WATER
ILITIES ON WATER RATES

Councilman Algary introduced a resolution authorizing City Manager to execute an agreement with ridge, Incorporated relating to a reservoir and water facilities on Lutheridge Property, and water rate agreement. was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 4, at page 13.

TE OF NORTH CAROLINA,
NTY OF BUNCOMBE,

THIS AGREEMENT, entered into this 18th day of May, 1960, by and between LUTHERIDGE, INCORPORATED, th Carolina corporation, hereinafter referred to as LUTHERIDGE, and the CITY OF ASHEVILLE, a municipal corporation the State of North Carolina, hereinafter referred to as ASHEVILLE.

WITNESSETH:

d as follows: That, for and in consideration of the sum of Ten Dollars each to the other paid, it is hereby

1.

Lutheridge hereby conveys to Asheville in fee simple that certain circular tract of land premises of Lutheridge, Inc. Assembly Grounds near Arden, North Carolina, and on which a reservoir of approxi 500,000 gallons capacity has already been constructed by Asheville, which said reservoir has a diameter of ap tely 70 feet, and which is located approximately 50 feet northeast of the Chapel on said Assembly Grounds.

2.

Lutheridge hereby conveys to Asheville, its successors and assigns, all existing water f ties which are now located on the Assembly Grounds of Lutheridge, Inc., this conveyance including, but not lim to, pump house, pumps, water transmission lines on or along all roads, and water meters. This conveyance does include private pipes located on the premises of private property owners, and does not include property or fa not presently owned by Lutheridge.

3.

Lutheridge hereby conveys to Asheville, its successors and assigns, a perpetual right, r way, easement, privilege, power and authority over its property, roads, lots or grounds, reasonably necessary tain all of the existing water facilities, or to extend, expand, or increase the capacity, or alter the water system as it appears necessary to serve the water requirements on the Lutheridge, Inc. Assembly Grounds, or a within the area served by the Asheville Water system. Asheville, its grantees, agents, servants and employee have a permanent easement and right-of-way over said property, roads, lots, or grounds to gain access to the pipes, gates, blow-offs, and fixtures for the purpose of excavating trenches, or laying the same, and for lay pairing, maintaining, placing, replacing, locating, re-locating lines, or removing the same, or any of them, the discretion of Asheville, its successors, grantees or assigns, appears necessary or proper; and to make su and regulations and to enforce the same by penalties or otherwise as may be deemed necessary, convenient or p for the protection of any and all persons or animals from interferring with said reservoir, pipe lines, gates offs, or any other fixtures used in connection therewith on said premises.

It is understood and agreed, however, that Lutheridge, its successors, assigns or grante shall have a right to cultivate and use said lands, provided said cultivation and use shall in no manner int with the said pipes, fixtures in their efficient use in conducting water, and with the right of Asheville, i cessors or assigns, to lay and maintain and otherwise deal with said pipe lines as hereinbefore set forth.

4.

In the event Lutheridge, its successors or assigns, require that the water facilities h referred to be expanded, extended or enlarged, and the same is agreeable to Asheville, the cost of said expa extension or enlargement shall be financed as a joint operation, Lutheridge, its successors or assigns, furni all materials necessary therefor and Asheville furnishing the necessary labor and equipment necessary for th stallation thereof. The size of the reservoir above referred to may not be increased without further agreem

In the event Asheville, its successors or assigns, requires that the water facilities h referred to be expanded, extended or enlarged for the benefit of areas other than Lutheridge Assembly Ground its water users, and the same is agreeable to Lutheridge, none of the cost of said expansion, extension or e ment, shall be borne by Lutheridge. It is further agreed that any enlargement, expansion or extension of th system herein conveyed and covered for the benefit of areas other than Lutheridge and its patrons shall not ially decrease the present water supply or water service to Lutheridge.

5.

The cost of constructing the 500,000 gallon reservoir referred to above has been paid, by each party hereto, said construction having been made by Asheville.

6.

Asheville shall operate and manage all public water distribution in the Lutheridge, Inc sembly Grounds, and shall maintain all facilities herein referred to, or as the same may in the future be e or extended. The obligation of Asheville to operate and maintain the water system and water supply referre herein shall continue indefinitely, or until Asheville is prohibited for reasons beyond its control to cont operation and maintenance hereof. In the event, however, that this contract is terminated by mutual agreem by operation of law, or by the inability of Asheville to perform its obligations hereunder, then, and in th any and all facilities referred to herein shall revert to Lutheridge.

Reference is hereby made to any plats or maps of record in the office of the Register o for Buncombe County, North Carolina for the location of any lines and facilities conveyed by Lutheridge to A herein.

7.

Future charges to individual water consumers on the Lutheridge, Inc. Assembly Grounds based on the same rates as are charged on other city-owned lines in Buncombe County, North Carolina, and th tion of new meters and new service will follow the standard Water Department operating procedures as are fo elsewhere in the Asheville water supply system.

IN WITNESS WHEREOF, Lutheridge, Inc., a North Carolina corporation, has caused this in to be executed and attested by its duly authorized officers, all by virtue of authority granted to them by Board of Trustees of Lutheridge, Inc.; and this instrument has been duly executed for and on behalf of the of Asheville by the City Manager and Director of Public Works, this the day and year first above written.

LUTHERIDGE, INC.

ATTEST:

By S/C. Miller Sigmon
Presi

S/ Hal Kohn, Jr.
Secretary

(SEAL)

CITY OF ASHEVILLE

ATTEST:

By S/ Weldon Weir
City Manager

S/ Margaret Simmons
Secretary

(SEAL)

TH CAROLINA,
ER COUNTY.

I, Durward F. Clark, a Notary Public, do hereby certify that C. Miller Sigmon personally appeared before me this day and after being duly sworn stated that he is the President and presiding officer of Lutheridge, Inc. and that Hal Kohn, Jr. is the Secretary of said Corporation; that he, the said C. Miller Sigmon signed the name to the foregoing instrument as President of said Corporation and that he saw the said Hal Kohn, Jr., Secretary, execute said instrument in attestation, and that he affixed the seal of said Corporation to said instrument, all by authority duly given by the Board of Directors of said Corporation.

Witness my hand and notarial seal this the 18th day of May, 1960.

S/ Durward F. Clark
Notary Public

Comm. exp 8-5-60
(SEAL)

TH CAROLINA,
NCOMBE COUNTY.

I, Lillian Ducker, a Notary Public, do hereby certify that this day personally appeared before Weldon Weir, City Manager of the City of Asheville and Margaret Simmons, Secretary to the City Council of said ty, with whom I am personally acquainted, who, being duly sworn, says that E. W. Eller is the Mayor of said City of eville and that he, the said Weldon Weir is the City Manager of said City, that he knows the common seal of the d City of Asheville and that the seal affixed to the foregoing deed and contract is the corporate seal of said ; that he saw the said Weldon Weir sign said instrument and affix said seal to said instrument and that he signthe same in attestation, all by proper resolution and authority of the City Council of said City of Asheville.

Witness my hand and notarial seal this the 3 day of June, 1960.

S/ Lillian Ducker
Notary Public

Comm Exp Dec. 16, 1960
(SEAL)

[illegible] PUBLIC WORKS
[illegible] - THOROUGHFARE PL[illegible]

The City Manager advised he had received a communication from W. F. Babcock, Director of Highways the State Highway and Public Works Commission, setting Tuesday, June 7th, at 10:00 in the Council Chamber for a ting to discuss thoroughfare plans for the City of Asheville, and that the Council, the Planning and Zoning Commis, and other interested parties are invited to attend said meeting.

[illegible] - BIDS TO BE
[illegible]

The City Manager advised that bids on the proposed new National Guard Armory will be opened [illegible] at 2:00 p. m. in the Council Chamber. Following the opening of bids the Board of County Commissioners and the City ncil will meet informally to discuss whether to build an armory with a basic seating capacity of 3,600 persons or a ility seating 7,600.

In connection with the Armory Councilman Algary questioned whether the chosen location is the site for an expanded facility, and suggested that perhaps the money used in constructing the expanded facility ld be better used in constructing a building for public use in a more accessible location.

[illegible] CORPORATION -
[illegible] OF WAREHOUSE ON
[illegible]

The City Manager advised he has been notified by the Carolina Tobacco Corporation that the Directhave agreed to a sale price of $50,000 for the warehouse on Valley Street, sought for some time by the city as a for motorized equipment of the city's street, sanitation and water departments, said warehouse located on city- land under a lease which expires in 1976. The City Manager stated this is an item to be considered in the new

The City Manager presented the audit of the City of Asheville for the period ending March 31, 1960.

[illegible] - PROPOSED SALE OF
[illegible] HEALTH REGULATIONS

The City Manager reported that after a conference with State Health authorities in Raleigh in nection with carrying on timber operations on the watershed properties he was advised that if formal application is , said application will probably be approved, provided sanitary precautions laid down by the State Board are strictfollowed. The City Manager advised this application will be prepared and presented to the Council.

[illegible] TRANSMISSION LINE -
[illegible] BOND ISSUE,
[illegible]

The City Manager advised in connection with the city's water program that under legislation prely enacted authority was granted to issue bonds for a new transmission line, and that a tentative date for August been suggested to vote on this proposed bond issue. The City Manager further advised that revised estimates of the neers indicate the cost to the city will be about $4,500,000, which will give an additional capacity of 22,000,000 ons per day, and bring maximum development of the city's present water storage resources. A plan for financing has proposed by the Local Government Commission based on a 26 year bond, which would require an increase of 25% in water , and it has been urged by said Commission that this increase become effective as of July 1st of this year in order make the proposed bonds more attractive to prospective purchasers.

The City Manager stated the revised estimates of the engineers will be presented to the Council early date.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, June 9, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 9, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. M. Preslar, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible] INDUSTRIAL
[illegible] - INVITATION

The Council received an invitation from the Commerce and Industry Committee of the Board of the North Carolina Department of Conservation and Development to attend the Western North Carolina Industrial Development Conference to be held at the Battery Park Hotel in Asheville on June 20nd, registration to begin at 9 a. m. and the Conference to convene at 10 a. m.

[illegible] DISTRICT - CITY
[illegible] - MAINTENANCE

A communication was received from the members of the Board of County Commissioners and Ex-Officio Trustees of the Beaverdam Sanitary District authorizing the City of Asheville to assume maintenance at its expense of all water facilities in the Beaverdam Sanitary District as of the date of June 6, 1960.

June 6, 1960

City of Asheville
Asheville, North Carolina

Attention: Mr. Weldon Weir, City Manager

Gentlemen:

In line with our prior negotiations, this is to authorize the City of Asheville to assume maintenance at its expense of all water facilities in the Beaverdam Sanitary District as of the present date.

It is contemplated that the City will furnish to District users as good or better water service than the District has been able to furnish in the past and will negotiate directly with individuals or groups of individuals in order to expand services and extend lines within the District.

It is further understood that this transfer of maintenance will continue year after year but may be terminated at the election of either the City or the District Trustees by giving one year's written notice to the other party hereto.

Yours very truly,

S/ Coke Candler
S/ Harry P. Mitchell
S/ J. C. Vance
Members of the Board of County Commissioners and Ex-Officio Trustees of the Beaverdam Sanitary District

ACCEPTED:

CITY OF ASHEVILLE

By_____
City Manager

The City Manager recommended that the City assume this maintenance, and following a discussion Councilman Preslar so moved, which motion was seconded by Councilman McRary and unanimously adopted.

[illegible] HIGHWAY COMMISSION -
[illegible] TO TAKE OVER AND MAINTAIN
[illegible] IN NEWLY ANNEXED AREA

A communication was received from the State Highway Commission approving a resolution passed by the Council on April 21, 1960 authorizing the City Street Department to take over and maintain from and after June 29, 1960 streets and roads within the area annexed to the City on January 1, 1960.

ORDINANCE NO. 430 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

Ordinance No. 430, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS AN 'ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was on motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "yes"
Councilman Preslar voted "aye"
Mayor Eller voted "aye"

ZONING - NEWLY ANNEXED AREA - PUBLIC HEARING

The City Manager advised that the Planning and Zoning Commission had completed its zoning study of the newly annexed area, and recommended that June 30th be set as the date for a public hearing and consideration of this zoning amendment.

Councilman Mulvaney moved that the Corporation Counsel be instructed to prepare an ordinance complying with the recommendations of the Planning and Zoning Commission to be placed before the Council, and give notice and publication of a public hearing on same to be held on June 30th, which motion was seconded by Councilman Preslar and unanimously adopted.

[illegible] AUTHORITY -
[illegible] RELATIONS BRANCH

The City Manager advised that it was his understanding that the Local Flood Relations Branch of the Tennessee Valley Authority would be able to compile a flood report for the Asheville area during the coming fiscal year with no financial obligation to the City if such a report is requested.

Councilman McRary moved that a request for this report be made, which motion was seconded by Councilman Mulvaney and unanimously adopted.

[illegible] REPORT OF DOG
[illegible] OFFICER

The City Manager presented a report of the activities of the Dog Control Officer for the period ending May 31, 1960.

[illegible] SERVICE BOARD

The City Manager presented the Annual Report of the City of Asheville Civil Service Board, and copies of this report were given members of the Council.

[illegible] LEAGUE OF
[illegible] - REGIONAL

The City Manager advised that a Regional Meeting of the North Carolina League of Municipalities would be held in Waynesville on June 21st, and members of the Council and city officials are invited to attend.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, June 16, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 16, 1960, at 4:00 o'clock P. M. with Mayor L. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. M. Preslar and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

[illegible] - Unit 1 -
[illegible] OF PLAT UNDER
[illegible] ORDINANCE #424

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Lynnwood - Unit 1, and Councilman Preslar moved that this plat be approved, which motion was seconded by Councilman Morgan and unanimously adopted.

June 16, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Lynnwood - Unit 1 prepared by Grover C. Haynes, Engineer, for the West Asheville Baptist Church shows the subdivision of property adjacent to Sulphur Springs Road in West Asheville. This piece of property is directly behind the West Asheville Baptist Church which fronts on Haywood Road.

The plat has been reviewed by this Commission at its regular meeting on June 1, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:llh
No. Ad. - N 15.30

[illegible] WATERS AND WIFE, LENA WATERS -
[illegible] OF LOTS 565 and 566, Sheet
[illegible] Biltmore Ward FOR STREET PUR-
[illegible]

Mr. Carl A. Hyldburg, Jr., attorney for Edgar Waters and wife, Lena Waters, requested the City to accept Lots 565 and 566, Sheet 18 in Biltmore Ward for street purposes.

Councilman Mulvaney moved that this offer be accepted, which motion was seconded by Councilman [illegible] and unanimously adopted.

[illegible] T. RODERS - RESIGNATION AS
[illegible] OF HOUSING AUTHORITY

A communication was received from Mr. John T. Rodgers resigning as Chairman of the Housing Authority of the City of Asheville, which resignation was accepted with regret.

[illegible] H. LEE - APPOINTMENT AS
[illegible] OF THE HOUSING
[illegible] OF THE CITY OF
[illegible]

Mayor Eller announced the appointment of Mr. Walter H. Lee as a Commissioner of the Housing

Authority of the City of Asheville.

Ordinance No. 430, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEIN
NANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upo
of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with
following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Preslar voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 430

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI
FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN
PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean lots of Record and be as def
said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this
shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from RA-6 Residential Area to Neighborhood Trading Area:

Lots 107 and 107½, Sheet 8, Ward 9, located on the East side of Merrimon Avenue, South side of Larchmont Road, and North side of Eliza Street

Section 2. That the office of the City Engineer is hereby authorized and directed to m
changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordina
for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions o
ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-
clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences,
or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and a
by repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from dat
final passage.

I move the adoption of the foregoing ordinance, this 2 day of June, 1960.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 16 day of June, 1960, to become effective 1 day of Jul

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager announced that the tentative schedule for the 1960-61 budget provides
budget to be presented to the Council at its regular meeting on June 30th, lie on the City Clerk's desk fo
days for public inspection, and the three readings for adoption to be July 21st, July 28th and August 4th.

Councilman Preslar introduced a resolution authorizing Mayor to execute agreement and
relating to cancellation of lease with Carolina Tobacco Corporation on the Tobacco Warehouse and execute
deed to Farmers Federation Cooperative, Inc. relating to property adjacent to Tobacco Warehouse, which was
motion of Councilman Preslar, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 14.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS CONTRACT AND AGREEMENT, Made and entered into on this, the 16th day of June, 1960
and between the CITY OF ASHEVILLE, hereinafter called the "City", and CAROLINA TOBACCO CORPORATION, a Nort
lina corporation, hereinafter called the "Corporation";

WITNESSETH:

THAT WHEREAS, the above-named City, and the abeve-named Corporation have entered inte

whereby the Corporation has quitclaimed and conveyed certain real properties on the West side of Valley
reet, in the City of Asheville, said County and State, to the said City; and

WHEREAS, the said City has promised, committed and bound itself to pay to the said Corporation
he sum of $50,000.00 in consideration of the aforementioned conveyance, said sum to be paid on or before October
, 1960; and

WHEREAS, the Corporation has heretofore executed quitclaim Deeds to said property, the same
ow being held in escrow by Mr. O. E. Starnes, with the understanding that same are to be delivered to said City
pon the payment of this obligation, hereby created;

NOW, THEREFORE, for and in consideration of the premises, and in further consideration of the
m of Five Dollars, in hand paid to the above-named City, the receipt whereof is hereby acknowledged, the City
oes hereby promise, commit and bind itself to well and truly pay unto the said Corporation, on or before the first
ay of October, 1960, the full sum of $50,000.00 in cash or its equivalent, in form acceptable to the Corporation,
ith the further understanding that if said sum be unpaid after the said first day of October, 1960, that thereafter
he said sum shall bear interest at the rate of six per cent per annum free from said first day of October, 1960 un-
il paid.

It is further agreed, and the said Obligor does hereby promise, commit and bind itself to the
ll payment of the sum above set forth as a continuing obligation, notwithstanding any extension of time for the
ayment thereof which may be hereafter given by the Corporation, or its assigns; and, in addition to the foregoing,
n the event this obligation is not fully paid by the maturity date, hereinbefore set forth, the City does hereby
aive presentment, and any and all defenses which it may have in the premises, it being fully understood that this
bligation shall continue in full force and effect until paid in full, including the interest to accrue.

IN WITNESS WHEREOF, the City has caused these presents to be signed by Earl W. Eller, its Mayor,
nd attested by Margaret Simmons, City Clerk of the City of Asheville, with its municipal corporate seal hereunto
ffixed, all by authority of the City Council duly given on this, the day and year first above written.

CITY OF ASHEVILLE

ATTEST: By_____
Mayor

City Clerk

TATE OF NORTH CAROLINA
OUNTY OF BUNCOMBE

On this, the _____ day of June, 1960, personally appeared before me, the undersigned Notary
ublic in and for said County and State, Earl W. Eller, who being by me first duly sworn, deposes and says: That he
s the duly elected, qualified and acting Mayor of the City of Asheville, and that the seal affixed hereunto is the
orporate seal of said municipal corporation, and that said instrument was signed and sealed by him in behalf of
aid municipal corporation by authority duly given, and that the said Earl W. Eller acknowledged said writing to be
he act and obligation of the said City of Asheville.

WITNESS my hand and Notarial Seal, this the day and year first above written.

_____
Notary Public, Buncombe County, N. C.
My commission Expires: _____

ER TRANSMISSION LINE -
TIMATES

The City Manager presented the report of Chas. T. Main, Inc., engineers, in regard to the proposed
transmission line from the North Fork Reservoir, which report forecasts that the new line can be completed as far
Bee Tree Bottoms by August 1, 1961, and that completion of the total project in 1962 will provide transmission for
he total maximum safe yield of 26,000,000 gallons daily from both North Fork and Bee Tree reservoirs.

The City Manager advised that the next step is forwarding this report to the city's bond attorneys
New York for preparation of ordinances and resolutions calling the bond election and setting a specific date in
ugust.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, June 23, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 23, 1960, at 4:00 o'clock P. M. with Mayor
. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, C. E. Morgan, F. M. Mulvaney, C. M. Preslar,
. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

TIONS - MASTER PLUMBERS -
oard of Examiners Requested

A petition signed by a number of Master Plumbers of Asheville was received, seeking reestablish-
nt of an examining board for plumbers.

This matter was referred to the Corporation Counsel for investigation and report.

NT - RESOLUTION ACCEPTING
ER DATED JUNE 9, 1960

The following Resolution was introduced by Councilman McRary, seconded by Councilman Mulvaney,
d in full, considered, and unanimously adopted.

Resolution accepting the Grant Offer dated June 9, 1960 made by the Administrator of Federal Avia-
n Agency on behalf of the United States of America to the City of Asheville in the sum of not to exceed $72,000.00,
and aid in the development of the Asheville Airport.

Be it Resolved by the City of Asheville, of North Carolina:

Section 1. That the City of Asheville hereby accepts, on its own behalf, the offer of a grant of
made by the Administrator of Federal Aviation Agency on behalf of the United States of America dated June 9,
to the City of Asheville in the sum, for the purposes and subject to the conditions set forth below, and also

specifically ratifies and adopts all statements, representations, warranties, covenants and agreements contai... in the Project Application, referred to therein.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the ... tance of the Grant Offer in quintuple on behalf of the City of Asheville and Margaret Simmons, the City Clerk, ... hereby authorized and directed to impress the official seal of the City of Asheville and to attest said execut...

Section 3. That the Grant Offer referred to herein above is as follows and when accepted ... constitute the Grant Agreement:

Federal Aviation Agency
GRANT AGREEMENT

Part I-Offer

Date of Offer Jun 9 1960
Asheville Municipal Airport
Project No. 9-31-024-6004
Contract No. FA2-1398

TO: The City of Asheville, North Carolina (herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Agency; herein referred to as the "FA...

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated March 31, 1960, for a grant of Fed... funds for a project for development of the Asheville Municipal Airport (herein called the "Airport"), togeth... with plans and specifications for such project, which Project Application, as approved by the FAA is hereby ... porated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for development of the Airport (herein called the "Project") consist... the following-described airport development:

Pave holding aprons; install high intensity lighting on NW/SE designated instrument landing runway, and medi... intensity lighting on parallel and connecting taxiways; install lighted wind cone and 36" beacon; complete all... weather runway marking on instrument runway; mark taxiway holding lines; install safety fencing. (The airport ... development to be accomplished, herein described, is in addition to that contemplated or accomplished under ... Grant Agreements between the Sponsor and the United States for Projects Nos. 9-31-024-5801, 9-31-024-5902 and ... 31-024-5903). all as more particularly described in the property map and plans and specifications incorporat... in the said Project Application;

NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of the Federal Airport Act, as ... amended (49 U.S.C. 1101), and in consideration of (a) the Sponsor's adoption and ratification of the repre... tions and assurances contained in said Project Application, and its acceptance of this Offer as hereinafter ... vided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Pro... and the operation and maintenance of the Airport as herein provided, THE FEDERAL AVIATION AGENCY, FOR AND O... HALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share of the allowable co... curred in accomplishing the Project, 75 per centum of the allowable cost of installation of high intensity ... lighting on the NW/SE designated instrument landing runway and 50 per centum of all other allowable project ...

This offer is made on and subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be $72,000...

2. The Sponsor shall:

(a) begin accomplishment of the Project within ninety (90) days after acceptance of this ... Offer or such longer time as may be prescribed by the FAA, with failure to do so consti... ting just cause for termination of the obligations of the United States hereunder by the ...

(b) carry out and complete the Project without undue delay and in accordance with the ... hereof, the Federal Airport Act, and Sections 550.7 and 550.8 of the Regulations of the ... eral Aviation Agency (14 CFR 550) in effect as of the date of acceptance of this Offer; ... Regulations are hereinafter referred to as the "Regulations".

(c) carry out and complete the Project in accordance with the plans and specifications ... property map, incorporated herein, as they may be revised or modified with the approval ... the FAA, or his duly authorized representative.

3. The allowable costs of the project shall not include any costs determined by the FA... be ineligible for consideration as to allowability under Section 550.4(a) of the Regulations.

4. Payment of the United States' share of the allowable project costs will be made pur... to and in accordance with the provisions of Section 550.9 of the Regulations. Final determination as to the ... ability of the costs of the project will be made at the time of the final grant payment pursuant to Section ... of the Regulations: Provided, that, in the event a semi-final grant payment is made pursuant to Section 5... the Regulations, final determination as to the allowability of those costs to which such semi-final payment ... will be made at the time of such semi-final payment.

5. The Sponsor shall operate and maintain the Airport as provided in the Project Appli... incorporated herein.

6. The FAA reserves the right to amend or withdraw this Offer at any time prior to it... ance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any pa... the costs of the Project unless this Offer has been accepted by the Sponsor on or before June 30, 1960 or ... sequent date as may be prescribed in writing by the FAA.

8. The maximum amounts of building space which the Sponsor shall be obligated to furn... civil agencies of the United States for the purposes and on the terms and conditions stated in Paragraph 9 ... Part III of the Project Application, shall be as set forth in the attached schedule of maximum space requi... which is incorporated herein and made a part hereof.

9.(a) The Sponsor hereby covenants and agrees that it will not advertise for bids, a... contract or commence construction for the items of airport development to be accomplished under this proje... it has submitted final plans and specifications satisfactory to the Administrator and such plans and specif... have been approved; and it is further understood that the United States will not make nor be obligated to ... payment for such items of airport development under this Grant Agreement until the Sponsor has submitted ... and specifications and they have been approved as herein provided.

9(b) It is further understood and agreed that the terms "Regional Administrator of the Federal Aviation Agency, Region 2" and "Regional Administrator", wherever they appear in the Project Application, Plans and Specifications and any other documents constituting a part of said Grant Agreement, are changed to mean the Chief of the Airports Division, Region 2 of the Federal Aviation Agency, or the Chief, Airports Division, as the case may be, and such documents and papers constituting part of this Grant Agreement shall be read as though so worded.

...Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein ...ll be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said Offer and Ac...ptance shall comprise a Grant Agreement, as provided by the Federal Airport Act, constituting the obligations and ...ghts of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and ...ntenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer ...d shall remain in full force and effect throughout the useful life of the facilities developed under the Project ...t in any event not to exceed twenty years from the date of said acceptance.

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY

By/ S Geo E. Garanflo
George E. Garanflo
(TITLE) Chief, Airports Division
Region II

Part II-Acceptance

...City of Asheville, North Carolina does hereby ratify and adopt all statements, representations, warranties, cove...nts, and agreements contained in the Project Application and incorporated materials referred to in the foregoing ...ffer and does hereby accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

...ecuted this 23 day of June, 1960.

...eal)

CITY OF ASHEVILLE, NORTH CAROLINA
(Name of Sponsor)

...ttest: S/ Margaret Simmons
...Title: City Clerk

By S/ E. W. Eller
Title Mayor

...RTIFICATE OF SPONSOR'S ATTORNEY

...O. E. Starnes, Jr., acting as Attorney for City of Asheville, N. C., herein referred to as the "Sponsor") do hereby ...rtify:

That I have examined the foregoing Grant Agreement and the proceedings taken by said Sponsor relating thereto, and ...d that the Acceptance thereof by said Sponsor has been duly authorized and that the execution thereof is in all res...ects due and proper and in accordance with the laws of the State of North Carolina, and further that, in my opinion, ...id Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

...ted at Asheville, N. C. this 23 day of June, 1960.

S/ O. E. Starnes, Jr.
Title Corporation Counsel

I move the adoption of the foregoing resolution.

SECONDED BY: S/ J. W. McRary
COUNCILMAN
S/ Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 23 day of June, 1960.

...ROVED AS TO FORM:

...S/ O. E. Starnes, Jr.
...CORPORATION COUNSEL

S/ E. W. Eller
MAYOR
S/ Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 15.

...ER - CONSTRUCTION OF 15" MAIN
...FROM BILTMORE TO PHILLIPS RESERVOIR
...CONSIDERED

The City Manager advised that an emergency exists in supplying sufficient water into the South ...ncombe Water District, which serves several industries and many domestic users. The City Manager stated that the ...ber Products Company has been forced to close from Thursday until Monday for lack of water. The City Manager ad...ised that the schedule of supplying Gerber with water anticipated at the time the plant was constructed had been met, ...t that demands of domestic users and stepped-up operations by Gerber had exceeded estimates and the ability to flow ...ter into this district.

The City Manager stated that the Main report heretofore presented had provided for the construction ...a 16" line from Biltmore to the Phillips Reservoir, and recommended the immediate construction of this line, bids for ...o be advertised for and installation to be made by city forces. This construction would provide an additional ...of 1,400,000 gallons into the South Buncombe District. The City Manager suggested that in the advertisement for ...a provision be made that payment be deferred until January 1, 1961, this being one of the conditions under which ...would be accepted. Assuming that the bond election carried, the City would be in position to meet this obligation ...ayer, and if the election was not successful funds would have to be appropriated to meet this payment.

Following a full discussion Councilman Preslar moved that the recommendation of the City Manager be ...ved, and said advertisement for bids be authorized, which motion was seconded by Councilman McRary and unanimously ...ried.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, June 30, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 30, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, W. F. Algary, C. M. Preslar, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Section 1 of Kimberly Woods.

June 30, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Kimberly Woods - Section 1 prepared by Carter and Bearden, Engineers, for Elmer Carter and dated June, 1960, shows the subdivision of property off Beaverdam Road, near the Lewis Memorial Cemetery.

The plat has been reviewed by this Commission at its regular meeting on April 6th, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
Encl:

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A petition signed by some fifty persons was received asking that action be taken to stop operation of an auto junk yard allegedly operated by Junior Reece adjacent to Hi-Alta Avenue, Lakeside Drive and Appalachian Way.

This matter was referred to the City Manager for investigation.

A petition signed by some twenty-four residents of Robert Street was received asking elimination of parking on that street.

This matter was referred to the Director of Public Safety for investigation.

A request was received from the Southern Highland Handicraft Guild that Neighborhood Trade zone requirements be changed to permit production of native handicrafts without restrictions on retail or wholesale selling.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Morgan introduced Ordinance No. 431, being "INTERIM APPROPRIATION ORDINANCE", and was, upon motion of Councilman Morgan, Seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman McRary moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Ordinance No. 431, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 431, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 431

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1960 to the date of the adoption of the 1960-61 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest of indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1959-60 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1960-61 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made by the 1960-61 Ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 30th day of June, 1960.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 30th day of June, 1960, to become effective 30th day of June, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager called attention to the fact that the Local Government has advised that in order to comply with Section 407 of the 1951 resolution relating to the water system it is necessary to increase the water rate 25% to finance the proposed bond issue. The City Manager further advised the Sullivan Act has prevented the city from charging higher than in-city rates to customers in county water districts, but this did not affect some 1500 non-district customers who have been paying a 50 per cent surcharge. The City Manager recommended that a new ordinance be enacted making the new rate effective for all city water customers regardless of location.

During the discussion Councilman Algary pointed out that a reduction in rates could be considered at any time revenues exceeded amount required to finance the bond issue.

Following a complete discussion Councilman Preslar introduced Ordinance No. 432, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1960-61 as prepared by the City Manager, and the Council placed a copy of same on file for public inspection in the office of the City Clerk.

Upon motion of Councilman McRary, seconded by Councilman Mulvaney, the City Clerk was directed to publish notice of presentation of Budget Estimate.

Thursday, July 14th, was tentatively set as the date for study of the budget by the Council.

PUBLIC HEARING
ZONING NEWLY ANNEXED AREAS
BEAVERDAM, HAZEL
AND WARDS

The City Manager announced that this is the date set for the public hearing on the zoning of property in the newly annexed areas in Haw Creek, Beaverdam, Hazel and Biltmore Wards.

Mr. W. V. Burrow, attorney, appeared before the Council with the request that Lots 4 and 5, Sheet 6, Ward 6, being the property of Charles P. Grimes on the County Home Road, be changed from Residential to Roadside Business; and that the property owned by the Mars Hosiery Mill on Johnston School Road be changed from Residential to Commercial.

The City Manager stated that Mr. Anthony Redmond, Secretary of the Planning and Zoning Commission, concurred in these minor changes from the recommendation of said Commission.

ORDINANCE #433

Following the discussion, Councilman Mulvaney introduced Ordinance No. 433, being "AN ORDINANCE

AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which, with the changes requested by Mr. Burrow, was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yes"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY CLERK

Thursday, July 7, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 7, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, J. W. McRary, W. F. Algary, T. B. Sumner, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 432, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES", was discussed by the Council, and clarifying the relationship between the water lines project and moves made by the city towards acquiring rights in the Pink Beds watershed it was brought out that the policy of the State Water Resources Board requires the city to reach maximum development of its present water resources before seeking additional watershed rights. Following said discussion Ordinance No. 432, was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 433, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted Yes"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary introduced a resolution authorizing City Manager to advertise for bids for runway lighting and other safety facilities at new Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 18.

Mr. Harry C. Martin, attorney for the Buncombe County Board of Education, presented a claim for the amount of funds received by the City of Asheville pursuant to the Parking Meter Ordinance of 1955, as collected by the City of Asheville, for sums paid by persons violating the Parking Meter Ordinance by parking overtime or parking in places where parking is not allowed, and for which violations the City of Asheville has been paid various sums from time to time and day to day, said sums being in the amount of $20,968.00 for the year 1957, $23,945.00 for the year 1958, and $24,401.00 for the year 1959, and all of such collections received by the City of Asheville during the year 1960, and that all future collections received by the City of Asheville as aforesaid for the violation of said Parking Meter Ordinance should be turned over to the County Treasurer of Buncombe County monthly for the use and benefit of the public school fund of Buncombe County.

NORTH CAROLINA
BUNCOMBE COUNTY

NOTICE OF CLAIM

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

You will please take notice that the undersigned, Buncombe County Board of Education, of Asheville, Buncombe County, North Carolina, by and through Harry C. Martin, its attorney, hereby files Notice of Claim against the City of Asheville; said claim being for the amount of funds received by the City of Asheville pursuant to the Parking Meter Ordinance of 1955, adopted by the City of Asheville, for sums paid by persons violating the Parking Meter Ordinance by parking overtime or parking in places where parking is not allowed, and for which violations the City of Asheville has been paid various sums from time to time and day to day, said sums being in the amount of Twenty Thousand Nine Hundred and Sixty Eight ($20,968.00) Dollars for the year 1957; Twenty Three Thousand Nine Hundred and Forty-Five ($23,945.00) Dollars for the year 1958; and Twenty Four Thousand Four Hundred One ($24,401.00) Dollars for the year 1959; and all of such collections received by the City of Asheville during the year 1960, the amount which is unknown to the claimant as of this date; and as cause for this claim, your claimant shows unto the Honorable Mayor and City Council that pursuant to the Constitution of North Carolina the

County Board of Education is entitled to the receipt of said funds to be held for the use and benefit of and for the purpose of maintaining the free public schools in Buncombe County. Your claimant further states to the Honorable Mayor and City Council that all future collections received by the City of Asheville as aforesaid for the violation of said Parking Meter Ordinance should be turned over to the County Treasurer of Buncombe County monthly for the use and benefit of the public school fund of Buncombe County.

The undersigned claimant, therefore, respectfully presents its claim for said sums and respectfully requests the Honorable Mayor and City Council to direct the proper authorities to turn over all future collections as aforesaid to and for the use of the public school fund of Buncombe County.

This the 7th day of July, 1960.

BUNCOMBE COUNTY BOARD OF EDUCATION

BY: S/ Harry C. Martin
Attorney

The City Manager stated that parking violation assessments are not fines but $1.00 or $5.00 of the costs, and therefore assignable to the general fund.

In answer to a direct question Mr. Martin stated that he was acting on instructions of the county board but did not give the date of the board meeting except that it was before the primary elections. Mr. Martin further stated that it was the duty of the county school board to take any action proper to protect its legal rights, and Councilman Algary asked if any other school boards in the state had taken such action. Upon being advised by Mr. Martin that he had no knowledge of such moves, Councilman Algary asked if the implication was that the other 99 counties are negligent in their duties. Mr. Martin stated he didn't know what parking regulations are in effect elsewhere.

During the discussion Councilman Sumner called attention to the fact that consolidation of city and county school units was urged recently by the Greater Asheville Council and said the consolidation should be given serious consideration.

Following the discussion the matter was referred to the Corporation Counsel for investigation.

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY CLERK

Thursday, July 14, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 14, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, F. M. Mulvaney, C. M. Preslar, W. F. Algary, City Manager Weldon Weir, Corporation Counsel O. E. Starnes, Jr. Absent: Councilman T. B. Sumner.

The minutes of the previous meeting were read and approved.

Ordinance No. 432, being "AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES", was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 432

AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That on and after the 1st day of July, 1960 the water rates and charges for use from the municipal water supply shall be:

Minimum rate, per month $2.31 allowing 2,250 gallons
Next 27,750 gallons or fraction thereof used per month, $.93 per 1000 gallons.
Next 170,000 gallons or fraction thereof used per month, $.68 per 1000 gallons.
Next 300,000 gallons or fraction thereof used per month, $.46 per 1000 gallons.
Next 2,500,000 gallons or fraction thereof used per month, $.23 per 1000 gallons.

One Cubic Foot Equals 7½ Gallons.

Water shall not be furnished in excess of 3,000,000 gallons per month to any single consumer, except at such metered rates and upon such terms and conditions as may be approved in each case by the City Council.

Section 2. That the rates and charges for rent on meters owned by the City of Asheville connected with the municipal water supply shall be:

⅝" . . . . . 10¢ per month	3" . . . . . $1.25 per month
¾" . . . . . 12¢ per month	4" . . . . . $2.00 per month
1" . . . . . 18¢ per month	6" . . . . . $4.50 per month
1½" . . . . . 50¢ per month	8" . . . . . $6.50 per month
2" . . . . . 65¢ per month	12" Crest Meter . . . . . $7.00 per month

Section 3. That if any section, sub-section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. The Council of the City of Asheville hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause, phrase or portion of this ordinance irrespective to the fact that any one or more sections, sub-sections, sentences, phrases or portions be declared invalid.

Section 4. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That this ordinance shall be in full force and effect on and after the 1st day of July, 1960.

I move the adoption of the foregoing ordinance, this 30 day of June, 1960.

C. M. Preslar
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 14 day of July, 1960, to become effective 1st day of July, 1960.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 433, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 433

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(A) That all of the presently unzoned property within the City of Asheville shown on Sheets 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 26, 28, 29, 30, 31, 32, 33, and 35 of Ward 8 (formerly Haw Creek) be zoned RA-6 Residential Area EXCEPT AS FOLLOWS:

(1) That the following described property be zoned ROADSIDE BUSINESS:

(a) Lots 193, 194, 58¼, 65½, and 65¼, Sheet 15, Ward 8

(b) Lots 104, 105, 50¼, and 50½, Sheet 15, Ward 8

(c) Lots 57 3/4, 57, 198, 199, and 57¼, Sheet 15, Ward 8

(d) Lot 57½, Sheet 15, Ward 8

(e) Lots 1, 1¼, 1½, 6¼, 6½, 6, 6 3/4, 74, 7¼, 7, 16, 26 through 72 inclusive, and 17, Sheet 24, Ward 8

(f) Lots 54, 55, 56, and 57, Sheet 33, Ward 8

(g) Lots 114 through 123 inclusive, and lot 247, Sheet 13, Ward 8

(h) Beginning at the northeast corner of the intersection of US Highway 70 and Arco Road, thence along the east margin of Arco Road in a southeasterly direction to the northwest corner of lot 192, Sheet 13, Ward 8, thence along the north line of said lot 192 and lot 192¼ in a northeasterly direction to the northwest corner of lot 245, thence along the west line of lot 245 in a southerly direction to the southwest corner of lot 245, thence along the south line of lot 245 in an easterly direction to the southeast corner of lot 245, thence along the east line of lot 245 to the southwest corner of lot 244 3/4, thence along the south line of lots 244 3/4, 244¼, and 244½ to a point in west margin of Avon Road extended, thence along the west margin of Avon Road extended in a northerly direction to the northeast corner of lot 243¼, thence along the north line of lots 243¼ and 243 to the northwest corner of lot 243, thence in a westerly direction to the northeast corner of lot 239, thence along the north line of lots 239 and 238¼ in a westerly direction to the northwest corner of lot 238¼, thence along the west line of lots 238¼ and 238½ projected in a southeasterly direction to the north margin of US Highway 70, thence along the north margin of US Highway 70 in a westerly direction to the northeast corner of the intersection of US Highway 70 and Arco Road, the point of Beginning.

(i) Lots 85 and 84¼, Sheet 23, Ward 8

(j) Lots 20½, 79¼, 80, 81, and 82, Sheet 31, Ward 8

(2) That the following described property be zoned NEIGHBORHOOD TRADING:

(a) Beginning at the northwest corner of lot 12, Sheet 14, Ward 8, in the south margin of Haw Creek Road, thence along the west line of lot 12 in a southerly direction to the southwest corner of lot 12, thence along the south line of lot 12 in an easterly direction to the southeast corner of lot 12, thence along the east line of lot 12 to Beverly Road, thence in an easterly direction crossing Beverly Road to the southwest corner of lot 11, thence along the north margin of Beverly road in an easterly direction to the southeast corner of lot 11, thence along the east line of lot 11 projected in a northerly direction to the intersection of

as extended in a westerly direction would become the south line of lot 20, thence along said line in a westerly direction to Miller Road, thence across Miller Road in a westerly direction to the northeast corner of lot 10, thence along the north line of lot 10 in a westerly direction to the northwest corner of lot 10, thence along the west line of lot 10 in a southerly direction to the north margin of Haw Creek Road, thence crossing Haw Creek Road to the southern margin of Haw Creek Road, thence along the southern margin of Haw Creek Road in a westerly direction to the northwest corner of lot 12, the point of beginning.

(3) That the following described property be zoned COMMERCIAL DISTRICT:

(a) Lots 65 3/4, 98, 99, 245, and 60¼, Sheet 15, Ward 8

(4) That the following described property be zoned INSTITUTIONAL DISTRICT:

(a) Lot 61¼, Sheet 15, Ward 8

(5) That the following described property be zoned INDUSTRIAL DISTRICT:

(a) Lots 65, 257, 59½, 216, 244, 62½, 62, 66, 63 and 59¼, Sheet 15, Ward 8

(B) That all of the presently unzoned property within the City of Asheville shown on Sheets 1, 3, 4, 6, 5, 28, 35, 25, 24, 39, 29, 42, 30, 27, 34, 33, 32, 31, 21, 12, 9, 10, and 11 of Ward 9 (Beaverdam) be zoned RA-10 Residential Area EXCEPT AS FOLLOWS:

(1) That the following described property be zoned ROADSIDE BUSINESS:

(a) Lots 1 through 30 inclusive, 30¼, 30½, 31 through 48, inclusive, 50, 54 through 69 inclusive, Sheet 31, Ward 9

(b) Lots 159, 159¼, 83, 84, 85, 86, 86½, 87, 87½, 93, 94, and 95, Sheet 32, Ward 9

(c) Lots 125 through 135 inclusive, 135¼, 136, 153, 151, 152, 138, and 187, Sheet 33, Ward 9

(2) That the following described property be zoned RA-8 RESIDENTIAL AREA:

(a) Lots 52, 51, and 51¼, Sheet 31, Ward 9

(3) That the following described property be zoned INSTITUTIONAL DISTRICT:

(a) Asheville Biltmore College property

(4) That the following described property be zoned INDUSTRIAL DISTRICT:

Beginning at the intersection of the east margin of Riverside Drive and the south margin of Broadway, thence along the east margin of Riverside Drive in a southerly direction to a point in said east margin, said point being the intersection of said margin with a line resulting from the eastward projection of the north line of lot 58¼, Sheet 11, Ward 9, thence along said projected line and the north line of 58¼ in a westerly direction to the east bank of the French Broad River, being the northwest corner of lot 58¼, thence along said bank in a southerly direction to the southwest corner of lot 52½, thence along the south line of lot 52½ in an easterly direction to the southwest corner of lot 52, thence along the west line of lots 52 and 53 northwesterly to the northwest corner of lot 53, thence along the north line of lot 53 eastwardly crossing Riverside Drive to the east margin of Riverside Drive in a southerly direction to the 1959 City Limit line, thence along said line in an easterly direction to a point 300 feet from the centerline of Riverside Drive, thence along a line 300 feet from and parallel with said centerline in a northerly direction to the south margin of Broadway, thence along said margin in a westerly direction to the east margin of Riverside Drive, the point of beginning.

(5)That the following described property be zoned RA-6 RESIDENTIAL AREA:

(a) Lots 35, 34, 33, 32, 31, 31½, 30, 25½, 26½, 25½, 26½, 25, 26, 24½, 276, 24, 23, 23 3/4, 23½, 23¼, 229¼, 229, 6¼, 233, 179, 226, 228, 222, 223, 224, 5 3/4, 5¼, 5½, and 78, Sheet 21, Ward 9

(b) That all of that area on Sheet 11, Ward 9, not otherwise described in this Section "B".

(C) That all of the presently unzoned property within the City of Asheville shown on Sheets 2, 16, 17, 18, 19, 20, 22, 26, 27, and 28, Ward 6 and Sheet 13, Hazel Ward, be zoned RA-6 RESIDENTIAL AREA, EXCEPT AS FOLLOWS:

(1) That the following described property be zoned ROADSIDE BUSINESS:

(a) Beginning at a point on Smith Mill Creek and the east margin of Louisiana Avenue, as shown on Sheet 16, Ward 6, thence in an easterly direction along Smith Mill Creek to the south margin of US Highways 19, 23 east of Hazel Mill road, thence along said margin of US Highways 19, 23 in a westerly direction to the intersection with the west margin of Hazel Mill Road, thence crossing US 19, 23 diagonally to the east corner of lot 346, Sheet 16, Ward 6, thence along the north line of lots 346, 390, and 366¼ to the northwest corner of lot 366¼, thence along the west line of lot 366¼ in a southerly direction to the northeast corner of lot 366 3/4, thence along the north line of lots 366 3/4, and 393 to the northwest corner of lot 393, thence along the west line of lot 393 to the easternmost corner of lot 364 3/4, thence along the meanderings of the north, northeast and west lines of 364 3/4 in a westerly direction to the northwest corner of lot 364¼, thence along the west line of lot 364¼ in a westerly direction to the northeast corner of lot 368, thence along the north line of lot 368 in a westerly direction to the east line of lot 368 3/4, thence along the east line of lot 368 3/4 in a southerly direction to the southeast corner of lot 368 3/4, thence along the south line of lots 368 3/4 and 443 in a westerly direction to the northwest corner of lot 444, thence along the west line of lot 444 in a southerly direction to the north line of lot 370, thence along the north line of lot 370 in a westerly direction to the northwest corner of lot 370, thence along the north line of lot 65, Sheet 17, Ward 6, in a westerly direction to the east margin of Emma Road, thence along the east margin of Emma Road in a southerly direction, crossing US Highway 19, 23 to the intersection of the east margin of Louisiana Avenue with Smith Mill Cree, the point of beginning.

(b) Lots 1 through 5, inclusive, 5¼, 6, 6¼, 7 through 33 inclusive, 69, 69¼, 68, 68 3/4, 68¼, 68½, 67, 64 and 66, Sheet 17, Ward 6.

(c) Beginning at the intersection of Smith Mill Creek and the west margin of Louisiana Avenue as shown on sheet 17, Ward 6, thence in a northerly direction to the south margin of US Highway 19, 23, thence along the south margin of US Highway 19, 23 in a westerly direction to the 1959 Asheville City Limits, thence along the said city limits in a southerly direction to Smith Mill Creek, thence along Smith Mill Creek in an easterly direction to the intersection of Smith Mill Creek and the east margin of Louisiana Avenue, the point of Beginning.

(d) Lots 183, 182, 181, 180, 179, 178, 177, 2 3/4, 2½, 200, 199, 202, 202½, 202¾, 201, 2½, 207, 208, 206, 136, 4½, 3½, 72½,65½, 66, 67½, 67 3/4, 67½, 4, 5, 67, Sheet 20, Ward 6.

(2) That the following described property be zoned COMMERCIAL DISTRICT:

Beginning at the intersection of Deaverview Road and the Murphy Branch of the Southern Railroad, as shown on Sheet 19, Ward 6, thence along the south margin of Deaverview Road in a westerly direction to the east margin of Bear Creek Road, thence along the east margin of Bear Creek Road in a southeasterly direction to a point 500 feet west of the centerline of said railroad, thence along a line 500 feet west of and parallel to the centerline of said railroad to the south margin of Woodland Avenue, thence along the south margin of Woodland Avenue to the Asheville City Limits on the old Asheville-Waynesville Highway, thence along the City Limits in a southerly direction to the centerline of the Murphy Branch of the Southern Railroad; thence along the centerline of said railroad in a northeasterly direction to the south margin of Deaverview Road, the point of Beginning.

Beginning at the southeast corner of lot 75, Sheet 20, Ward 6, in the West margin of Bear Creek Road, thence along the south line of Lot 75 in a westerly direction to the City of Asheville Limits, thence along said limits in a southerly direction to the north margin of Johnson Boulevard, thence along said margin an easterly direction to the west margin of Bear Creek Road, thence along said west margin in a northerly direction to the southeast corner of Lot 75, the point of Beginning.

(3) That the following described property be zoned INSTITUTIONAL DISTRICT:

(a) All lots within city on Sheet 13, Hazel Ward and lot 2, Sheet 20, Ward 6

(b) All properties presently designated as cemeteries.

(D) That all presently unzoned property within the City of Asheville shown on Sheets 2, 4, 11, 30, 9, 16, 13, 14, 25, 15, 18, 19, 24, 26, 17, 27 and 31, Ward 7 (formerly Biltmore) be zoned RA-6 Residential Area EXCEPT AS FOLLOWS:

(1) That the following described property be zoned NEIGHBORHOOD TRADING:

(a) Lots 58½, 58½, 60-3/4, 106, 107, 108, 61½, 61, 80½, 61½, 80, and 80½, Sheet 14, Ward

(b) Lots 226 through 232, inclusive, 233½, 233, 234, 235, 236, 236½, 237, 238, 239½ and through 246 inclusive, Sheet 25, Ward 7

(2) That the following described property be zoned COMMERCIAL DISTRICT:

(a) Beginning at the intersection of the east margin of Hilldale Road and the north margin of Fairview Road, thence along the north margin of Fairview Road in an easterly direction to the City of Asheville limits, thence along the city limits in a northerly direction to the right-of-way of the Southern Railroad, thence along said right-of-way in a westerly direction to the east margin of Hilldale Road, thence along the east margin of Hilldale Road in a southerly direction to the north margin of Fairview Road, the point of BEGINNING.

(b) Lots 146 through 173 inclusive, 134 through 141 inclusive, 142, 142½, 143, 143½, 144, 144½, 145, 120, 120½, 121, 121½, 122 and 122½, Sheet 26, Ward 7.

(3) That the following described property be zoned INDUSTRIAL DISTRICT:

(a) Beginning at the northeast corner of Lot 94, Sheet 16, Ward 7, said corner being on the south bank of Swannanoa River, thence along the east line of Lots 94, 95 and 241 in a southerly direction to the easternmost corner of Lot 241, thence along the south line of 241 and 96 in a westerly direction to McArthur Lane, thence crossing McArthur Lane on the same course to the west margin of McArthur Lane, thence along the west margin of McArthur Lane in a southerly direction and crossing Glendale Avenue to the south margin of Glendale Avenue, thence along the south margin of Glendale Avenue in an easterly direction to the northeast corner of Lot 134, thence along the east line of Lot 134 in a southerly direction to the right-of-way of the Southern Railroad, Salisbury line, thence along said right-of-way in a westerly direction to the northeast corner of Lot 2, Sheet 11, Ward 7, thence along the east line of Lot 2 in a southerly direction to Fairview Road, and crossing Fairview Road on the same course to the south margin of Fairview Road, thence along the south margin of Fairview Road in an easterly direction to the west margin of Westview Avenue, thence along the west margin of Westview Avenue in a southeasterly direction to the right-of-way of the Southern Railroad, Spartanburg line, thence along said right-of-way in an easterly, southerly and southwesterly direction to a point on the City of Asheville limits west of Sweeten Creek Road, thence along said city limits in a northerly and westerly direction to a point on the 1959 City of Asheville limits, thence with the meandering of the 1959 City limits in a northerly and westerly direction to the south bank of the Swannanoa River, thence along said bank in an easterly direction to the point of east corner of Lot 94, Sheet 16, Ward 7, the point of BEGINNING.

(4) That the following described property be zoned BUSINESSS DISTRICT:

Beginning at the intersection of the 1935 City of Asheville limits and the east margin of Vanderbilt Road, thence with the meanderings of said 1935 city limits in southeasterly, westerly and northerly directions to a point on the present City of Asheville limits, thence along said present city limits in a westerly direction to the east margin of Vanderbilt Road, thence along the east margin of Vanderbilt Road in a northeasterly direction to the 1935 City of Asheville limits, the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 30 day of June, 1960.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 14 day of July, 1960, to become effective 29 day of July, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced in written form a resolution entitled "RESOLUTION DIRECTING THE CITY CLERK TO CAUSE TO BE PUBLISHED THE NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF $4,500,000 WATER BONDS", which, upon motion of Councilman Mulvaney, duly seconded by Councilman Peeler, was unanimously adopted.

A complete copy of the resolution will be found in Resolution Book #4 at page 19.

Councilman McRary introduced in written form a resolution entitled "RESOLUTION AUTHORIZING THE MAYOR TO FILE APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR ITS APPROVAL OF THE PROPOSED $4,500,000 WATER BONDS", which, upon motion of Councilman McRary, duly seconded by Councilman Morgan, was unanimously adopted.

Complete copy of the resolution will be found in Resolution Book #4 at page 20.

Councilman Morgan introduced a resolution ratifying sale of property to W. K. Whitson, Jr., and authorizing execution of deed, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of the resolution will be found in Resolution Book #4 at page 21.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS INDENTURE, made this 14 day of July, 1960, by and between the City of Asheville, a municipal corporation existing under and by virtue of the laws of the State of North Carolina and the County of Buncombe, a body politic and corporate in the State of North Carolina, hereinafter called Grantors and W. K. Whitson, Jr., hereinafter called Grantee,

W I T N E S S E T H:

THAT WHEREAS the hereinafter described real property, pursuant to Section 160-59 et seq. of the General Statutes of North Carolina and resolution of the City Council of the City of Asheville was offered by the City of Asheville at public sale to the highest bidder at the Courthouse door in said city on the 28th day of April, 1960, and subsequent to said date was offered for resale upon advanced bid and in compliance with law on the 9th day of June, 1960 when and where William K. Whitson, Jr. became the last and highest bidder for cash in the amount of $1,760.00; and

WHEREAS, said bid has remained open for more than 10 days and no advanced bid made; and

WHEREAS, said sale has been ratified and confirmed by the City Council of the City of Asheville; and

WHEREAS, the County of Buncombe has authorized the City of Asheville to sell its interest in said lands at the public sale aforesaid and has ratified and confirmed the sale of said lands to W. K. Whitson, Jr. for the price of $1,760.00;

NOW, THEREFORE, for and in consideration of $1,760.00 and other good and valuable considerations to them in hand paid by the Grantee to the Grantors, the receipt whereof is hereby acknowledged, the Grantors have given, granted, bargained, sold and conveyed and by these presents do give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or assigns and successors, the following particularly described real estate, located in Buncombe County, North Carolina, to wit:

Lying and being in the County of Buncombe, State of North Carolina on the waters of Swannanoa adjoining lands of Sara L. Whitson and others and more particularly described as follows:

BEGINNING at an oak on the west side of the Swannanoa River Road at the northwest corner of the lands lately conveyed by W. L. Whitson and others to Sara L. Whitson and her sisters and known as the Whitson Home Place of twenty (20) acres more or less as surveyed by Brown and Gibbs, Engineers, and runs thence with the eastern margin of Lake Craig, North 5 deg. 6' East 231.4 feet to a stake; thence North 9 deg. 58' East 165.1 feet to a stake; thence North 4 deg. 33' West 272.6 feet to a stake on the eastern margin of said Lake Craig and in the northern margin of the line of the Old Whitson Home Tract as surveyed by Cox, Engineers, of Asheville, North Carolina in 1924; thence with the north line of the said Whitson Old Home Tract, South 85 deg. 54' East 781.3 feet to a stake by a fourteen (14) inch pine, said stake being a common corner between the Bert Kellogg and C. P. Lingerfelt tract and being the most northern corner of the said Sara L. Whitson and sisters twenty (20) acre tract; thence the following courses and distances: South 8 deg. 59' East 125.4 feet; South 57 deg. 45' West 729 feet; South 64 deg. 47' West 221.9 feet to the BEGINNING, containing 7.20 acres and being a part of the said Whitson Old Home Tract, and also being part of the property generally referred to in that certain Receiver's Deed from G. N. Henson, Receiver, to the Board of Financial Control of Buncombe County, dated September 28, 1932 and recorded the Buncombe County Registry in Deed Book 452 at page 135 and also being part of the property conveyed by a deed from the Board of Financial Control to the City of Asheville and County of Buncombe, dated February 27, 1937 and recorded in said Registry in Deed Book 480 at page 98, and being also the same property conveyed by W. R. Whitson and others to Allison Realty Company in a deed dated April 1, 1926 and recorded in said Registry in Deed Book 341 at page 312.

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereunto belonging, or in any wise appertaining unto the Grantee, his heirs and/or successors and assigns forever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this deed to be executed by its duly authorized officers and its seal to be hereunto affixed, this day and year first above written.

ATTEST: _____
City Clerk

_____
Mayor, City of Asheville

Buncombe County

ATTEST: _____
Register of Deeds and
ex-officio Clerk to
Board of Commissioners

_____
Chairman, Board of County Commissioners

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This day of July, 1960, personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, E. W. Eller, who being by me duly sworn, says that he is the Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed deed is the corporate seal of said corporation and that said instrument was signed and sealed by him in behalf of said corporation by authority duly given and the said E. W. Eller acknowledged said writing to be the act and deed of said corporation.

Witness my hand and Notarial seal.

My commission expires:

_____
Notary Public

_____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This is to certify that before me _____ a Notary Public in and for said County and State personally appeared George A. Digges, Jr., Register of Deeds and ex-officio Clerk to the Board of County Commissioners of Buncombe County with whom I am personally acquainted, who, being by me duly sworn, says that Coke Candler is the Chairman, and he, the said George A. Digges, Jr. is the ex-officio Clerk of said Board, described in and which executed the foregoing deed; that he knows the common seal of said Buncombe County, that the seal affixed to the foregoing deed is said common seal and the name of the County was subscribed thereto by the said Chairman and that the said Chairman and Clerk subscribed their names thereto and said common seal affixed all by order of the Board of Commissioners of said County, and that the said instrument is the act and deed of said County of Buncombe.

Witness my hand and notarial seal, this the day of July, 1960.

My commission expires:

_____
Notary Public

_____

Councilman Preslar introduced a resolution amending the resolution of the City Council of the City of Asheville, North Carolina, adopted on 12th day of November, 1959, requesting reservation of capital grant funds, approving undertaking of surveys and plans for an urban renewal project, and approving filing of an application for federal advance of funds, which was, upon motion of Councilman Preslar, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 22.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 21, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 21, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, F. M. Mulvaney, T. B. Summer, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 434, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1960-61", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Summer voted "yes"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 28, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 28, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, T. B. Summer,

J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A claim for damages for personal injuries to Delia Matthews in the amount of $4,500.00 was presented by her attorney, Harold Epps, which claim was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

N O T I C E

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Delia Matthews of Abbeyville County, South Carolina, by and through her attorney, Harold T. Epps, pursuant to section 149 of the city charter of the City of Asheville, hereby claims and demands damages of City of Asheville as the result of personal injuries sustained by her and property losses also sustained by her on the 20th day of June, 1960 when a motor vehicle owned by the city of Asheville and being operated by one of the said city's employees in the scope of his employment in an unlawful, dangerous and negligent manner; and that as a result thereof the undersigned claimant received the following injuries:

A mild cerebral concussion, contusion of the upper lip; contusion of the forehead; contusion of the anterior chest wall; and a whiplash injury of the neck.

That the above described accident resulted from the negligence of the city of Asheville acting through its agent, servant, or employee, Charles Muse; and that as a consequence of the negligence, said City has greatly damaged the undersigned claimant, temporarily destroyed her earning power, caused her to incur expenses for medical expenses, great inconvenience, pain and suffering, in the sum of Forty-five hundred dollars ($4500.00).

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her counsel, and respectfully requests payment of same.

S/ Harold T. Epps
Attorney for Delia Matthews

Ordinance No. 434, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1960-61", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "yes"
Councilman Summer voted "yes"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution authorizing Mayor to execute lease with Miller Printing Co. for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 24.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS LEASE, made and entered into this 25 day of July, 1960, by and between MILLER PRINTING CO., hereinafter referred to as Lessor, and CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina, hereinafter referred to as Lessee;

W I T N E S S E T H:

That the Lessor, for and in consideration of the rents, covenants and conditions hereinafter mentioned to be kept and performed by the Lessee, does hereby rent, demise and lease unto the said Lessee, the following described premises located in the City of Asheville, Buncombe County, North Carolina, to-wit:

Being Tax Lots 83, 84, 85, and 86 as shown on Sheet 1, Ward 3 of the Tax Maps of the City of Asheville and Buncombe County, and being also described in deeds recorded in Deed Books 821, page 239, 765 page 439, and 801 page 450 in the office of the Register of Deeds for Buncombe County, N. C., reference to which deeds is hereby made for greater certainty of description.

1.

TO HAVE AND TO HOLD the above described premises unto said Lessee for a term of ten (10) years, beginning 1st day of August, 1960 and extending until the 31st day of July, 1970, unless terminated at an earlier date as hereinafter provided.

2.

The Lessee agrees to pay as rental for the said leased premises forty-five (45%) per cent of all gross receipts which the Lessee may receive from the said real estate or from any operation conducted thereon. Payment to be made of such rental by the Lessee to the Lessor on or before the 10th day of each month for forty-five (45%) per cent of gross receipts taken in by the Lessee during the preceding calendar month.

3.

It is understood and agreed between the parties hereto that the Lessee shall operate on the premises hereby leased a public parking lot and shall conduct thereon operations auxiliary to the operation of a public parking lot and that said premises shall be used by the Lessee for no other purpose whatsoever; and in the event said premises shall cease to be used as a public parking lot this lease shall automatically terminate.

4.

The Lessee covenants and agrees as follows:

(a) That it will, at its own expense, raze and demolish, or cause to be razed and demolished houses, buildings and structures which may be on said premises, and will pay over to the Lessor any profits from salvaged materials which are in excess of the expenses for so razing and demolishing said houses, buildings or structures.

(b) That it will, at its own expense, level the property above described so that the maximum of the property may be utilized for the purpose set forth in the preceding paragraph and make all necessary improvements thereon.

(c) That it will apply stone surface to the property hereby leased.

(d) That it will keep all improvements erected or placed on the premises in reasonable repair that said improvements shall become the property of the Lessor at the termination of this lease.

(e) That it will supervise and operate the property as a public parking lot in a proper and ness-like manner, keeping proper records of all receipts from said operation and that it will charge for parking prevailing prices for parking in lots substantially located as the premises above described.

(f) That the Lessor shall have the right to inspect any records of the Lessee relating to the operation of said parking lot, or any receipts therefrom, and shall have the right to make any other investigation check of said receipts which may be necessary and proper.

(g) That it will pay all utilities and expenses in connection with the use and operation of parking lot during the term of this lease.

(h) That upon the completion of all the improvements and prior to beginning the operation of parking lot above described, the Lessee shall furnish to the Lessor a statement showing the cost to the Lessee improvements made to or placed upon the premises.

5.

It is further contracted and agreed between the parties hereto that at any time the said Lessee its successors and assigns, shall have the additional right, in its discretion, in the event it can show a bona arrangement to build a substantial structure on the premises, or to sell all or any portion of said premises, it shall be determined by the Lessor that the use of said lot is necessary for its own parking use, to terminate lease upon paying to the Lessee that proportionate part of any money spent by the Lessee in improving the said which the unexpired portion of the lease bears to the total term of the lease; and as an illustration of the of this paragraph, if the Lessor, its successors and assigns, at the expiration of five years from the date of lease shall desire to terminate said lease, it shall have the right to do so upon the payment to the Lessee of (50%) per cent of the sum expended by the Lessee in the improvement of said premises.

6.

It is further agreed between the parties hereto that the Lessee may not assign this lease or portion thereof, or sub-let the premises hereby leased without written consent of the Lessor, its successors and signs, except to grant concessions for the conduct of operating which may be auxiliary to the use of the premises a public parking lot.

7.

It is further agreed between the parties that if the Lessee at any time fails to pay the rent above provided for within thirty days after the same shall become due, or shall fail to keep and perform any of covenants or agreements which are hereinbefore mentioned to be kept or performed by the said Lessee, then and in ther of the events hereinbefore specified the said Lessor, its successors and assigns, may at its option declare lease cancelled and terminated, after giving to the Lessee ten dayswritten notice of its intention so to do. upon the said Lessors, its successors and assigns, may take possession of the premises without any legal process the Lessee agrees to surrender the premises to the Lessor, its successors and assigns, immediately.

8.

It is further agreed between the parties hereto that the Lessor reserves the right to rent parking spaces as it may need for its own use at a monthly rental of Three ($3.00) Dollars per parking space.

9.

The Lessor hereby covenants and agrees with the Lessee that, subject to the terms and conditions hereinabove set forth, the Lessee shall have and enjoy the premises during the term herein provided for, free from the adverse claims of any and all persons whomsoever.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its duly authorized officers and its seal to be hereunto affixed; and the said Lessee has caused this instrument to be executed in its name by its Mayor and attested to by its Clerk, and its corporate seal attached, all under and by virtue of the authority duly granted by resolution adopted by the Council of the City of Asheville, this lease and the resolution authorizing same having been duly submitted to and approved as to form by its corporate counsel, and all matters and things necessary and proper for the said City of Asheville to execute this contract having been duly and properly done; this the day and year first above written.

ATTEST:

S/ George J. Searle
Secretary
(Seal)

MILLER PRINTING CO.

By S/ J. A. Miller
Presid

ATTEST:

S/ Margaret Simmons
City Clerk
(Seal)

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

State of North Carolina,
of Buncombe.

I, a Notary Public of said State and County, certify that George J. Searle personally came before day and acknowledged that he is Secretary of MILLER PRINTING CO., a corporation, and that, by authority duly and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with corporate seal, and attested by himself as its Secretary.

WITNESS my hand and Notarial Seal, this the 25th day of July, 1960.

mission expires:
bruary 14, 1961

S/ Nell Suttle
Notary Public

OF NORTH CAROLINA,
NTY OF BUNCOMBE.

This the 28 day of July, 1960, personally appeared before me, a Notary Public in and for the County combe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of eville, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing ument was signed in the name of said corporation by himself as Mayor, sealed with its corporate seal and attested by City Clerk.

WITNESS my hand and Notarial Seal this the day and year first above written.

mission expires:
ec. 16, 1960

S/ Lillian Ducker
Notary Public

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending June 30, 1960.

Mr. Julian A. Woodcock, Jr., chairman of the Central Asheville Association Committee of the Greater eville Council, appeared before the Council with a request for the services of city engineers and planning personnel gathering information needed for formulating down-town redevelopment projects, the area under consideration being ded by the crosstown expressway, Market Street, Hilliard Avenue and French Broad Avenue. Mr. Woodcock advised that program will be financed entirely by voluntary assessments on cooperating property owners and tenants, and that the requested includes land values, improvements, occupancy, ownership, parking facilities, traffic patterns, loading unloading, retail sales and employment.

Mr. Fleming Talman, a member of the committee, advised the Council that probable steps in the formation of a downtown association would be compiling of needed data; holding of a meeting of property owners and business to form the association, and employment of a full-time director to work out details and secure needed cooperation owners and tenants.

The City Manager stated that with the consent of the Council this information will be made available rapidly as possible.

Councilman Algary stated that this service should also be made available to other areas, if requested.

There being no further business, the meeting was upon motion adjourned.

margaret simmons
CITY CLERK

Thursday, August 4, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 4, 1960, at 4:00 o'clock P. M. with Mayor Eller presiding. Present: Councilmen C. E. Morgan, C. M. Preslar, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the amendment of the ng ordinance to include under Section 6A as Item 9 under A "the manufacture and sale at retail or wholesale those crafts which are manufactured predominantly by hand and involve the application of artistic skills"

August 3, 1960

norable Mayor
mbers of City Council
ity Building
heville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Section 6A of the Zoning Ordinance of the City of Asheville be amended to include as Item 9 under A: "The manufacture and sale at retail or wholesale those handicrafts which are manufactured predominantly by hand and involve the application of artistic skills."

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property at Knoxville Place from Commercial to Residential RA-5.

August 3, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend the rezoning from Commercial to RA-5 the following described area:

Beginning at the intersection of the east boundary of Lot No. 24 with Clingman Avenue as shown on the Buncombe County Tax Maps, Ward 4, Sheet 3 and proceeding in a westerly direction to the northwest corner of Lot No. 233, thence in a southerly direction along the boundary of said Lot to the northern boundary of Lot No. 25, thence in a westerly direction along the northern boundaries of Lots No. 25, 237, and 239 to Knoxville Place. Said line then extends around the rear boundaries of Lots No. 32, 33 and 34½, thence crossing West Haywood Street and proceeding along the south side of Spring Street to the intersection of Ratcliff Street, thence in a southerly direction along Ratcliff Street to the intersection with West Haywood Street, thence including Lots 137, 138 and 139 on Ward 4, Sheet 4 in an easterly direction along the rear boundaries of Lots 137, 136, 61, 60½, 60, 59½, 50 and 227 on Sheet 3, Ward 4, thence in a southerly direction along the west boundaries of Lots 48½, 53, 54, 55 and 56½ to Clingman Avenue and thence in a northerly direction along Clingman Ave. to the point of Beginning.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Mayor
Encl:

The above recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same.

A petition was received requesting that the frontage of Lot 49, Sheet 2, Ward 4 on French Broad Avenue and on Hilliard Street to a depth of approximately 200 feet on said Hilliard Avenue as measured from the intersection of the east margin of French Broad Avenue, eastwardly along the north margin of said Hilliard Avenue be zoned as business area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A claim for damages on behalf of Jerry Gudger Howell in the amount of $900 was presented by his attorneys, Uzzell & Dumont, which claim was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY

NOTICE OF CLAIM
FOR DAMAGES

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA:

You will please take notice that the undersigned, Jerry Gudger Howell, Candler, Buncombe County, North Carolina by and through his attorneys, Uzzell and DuMont, and pursuant to Sections 149 and 150 of the Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as a result of property damage sustained by him on the 5th day of May, 1960, on public street in said city, as follows:

That on Thursday, May 5, 1960, at approximately 10:30 P.M. the undersigned was driving his 1960 Volkswagen, 2-door Sedan, North Carolina 1960 License No. 43910 in a westerly direction on his outside right lane of new Patton Avenue near its intersection with N.C. 63, also known as the "Leicester Road", and in full compliance with all the traffic ordinances of the City of Asheville and the traffic laws of the State of North Carolina, when his vehicle was suddenly, forcibly, and without warning struck from the rear by a half-ton International Truck bearing N.C. permanent registration No. P-34155, owned by the City of Asheville and being operated at the time by one Harold E. Calloway of 98 Cliff Street, Asheville, N. C., an employee of the City of Asheville, who at said time and place was operating said vehicle within the course and scope of his employment by the City of Asheville, and that as a result of said impact the undersigned's vehicle was hurled violently off the highway and into and against a utility pole, and that as a result of said collision, the undersigned claimant received extensive damage to his vehicle including a damaged rear bumper assembly, rear motor compartment, lid assembly, rear muffler, right heater box junction, right rear shock absorber, right rear brake line and axle housing, right side of floor pan, left rear fender, left tail light assembly, left front hub cap assembly, left quarter panel and frame, left side of top, right rear fender, left front fender, front grill ornament, front bumper assembly, front axle and suspension and other damages.

The undersigned claimant is further advised, informed and believes and therefore alleges that the collision was caused by the negligence of said city employee in failing to maintain a proper lookout, in failing to keep his vehicle under control, in operating said vehicle in violation of G.S. 20-140, 20-141, 20-149, 20-150, 20-152, and other sections of Motor Vehicle Law of North Carolina, that such negligence on the part of the said city employee was the proximate cause or one of the proximate causes of the damages sustained by the undersigned and is imputed in law to the City of Asheville and that as the proximate result thereof, the undersigned has sustained damages in the sum of Nine Hundred and 00/100 Dollars ($900.00).

The undersigned claimant, therefore, by and through his counsel, respectfully presents his claim in the amount of $900.00 and requests payment of same.

Uzzell & Dumont

By S/ J. William Russell
Attorneys for Jerry Gudger Howell

Service of the original of the foregoing claim and receipt of the original thereof is hereby acknowledged further service waived.

This the 3 day of August, 1960.

S/ Margaret Simmons
City Clerk

Ordinance No. 434, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1960-61", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Summer voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 434

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1960-61

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1960 and ending on June 30, 1961, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 288,345.36	
Law	23,532.80	
Finance	53,598.00	
Public Safety	1,269,939.38	
Libraries	131,078.30	
Public Works	1,070,786.16	
Parks and Playgrounds	178,027.00	
Civil Service	6,200.00	
Total General Operating Fund		$ 3,021,507.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,146.682.00	$ 1,146.682.00

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 647,942.00	
Water Refunding Bonds	230,000.00	
New Water Bond Issue	193,082.00	
Estimated Airport Bond issue of 1957	116,781.00	
Total Debt Service Fund		$ 1,187,805.00
TOTAL APPROPRIATIONS		$ 5,355,944.00

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1960 and ending on June 30, 1961 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 881,557.00	
Other Revenues as follows:		
License & Privilege Taxes	194,100.00	
Payment in Lieu of Taxes	400,000.00	
Fees	71,350.00	
Parking Meter Fees	78,000.00	
Court Costs	65,000.00	
Rents	73,000.00	
Income from Parks	46,000.00	
Miscellaneous	3,500.00	
Contribution from State Rev. Dept.	70,000.00	
Contribution from State St. Fund	340,000.00	
Contribution from Housing Authority	10,000.00	
Contribution from ABC Stores	612,000.00	
Riverside Cemetery	18,000.00	
Current Year's Poll Tax and Taxes Other Than Current Year's Property Tax and Other Than Hereinbefore Itemized	159,000.00	
TOTAL GENERAL OPERATING FUND		$ 3,021,507.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,146,682.00	$ 1,146,682.00

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 764,723.00
Water and Other Charges from Water Department	423,082.00
TOTAL DEBT SERVICE FUND	$ 1,187,805.00
TOTAL ESTIMATED REVENUES	$ 5,355,994.00

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1960, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.8192
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.7108
Total rate per $100 of valuation of taxable property	1.53

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $107,600,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 22 day of July, 1960.

W. F. Algary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 4 day of August, 1960, to become effective 4 day of August, 1960.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager reported that the survey requested by the Central Asheville Association Committee of the Greater Asheville Council was under way and report will be made available as soon as assembled.

The City Manager advised the Council that he has been informed by the Local Government Commission that the city's application for a water bond election has been duly published and no protests have been received, that the city is now authorized to hold the election 40 days or more after July 27th. The City Manager stated that for the election will be set shortly by bond attorneys.

The City Manager further advised that peak use of water, plus bottleneck in reservoir to city mission lines have caused a deficit in city storage supplies in White Fawn Reservoir and Beaucatcher Reservoir, that a sharp cutback in municipal use of water has been ordered, with the hope that this type of curtailment will a better balance between the ability to flow water to town and the demand on the system.

Councilman McRary discussed the radius of curves on certain city streets, and stated that the extension of the radius would allow a freer flow of traffic.

The City Manager advised that most streets have been developed to the full extent of the right-way, but that this point would be kept in mind and improvements made if possible.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 11, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 11, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, W. F. Algary, C. E. Morgan, C. Preslar, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

...ATTEND OPEN HOUSE

The Council received an invitation from the Asheville District Office of the Social Security Administration to attend an open house at 40 North French Broad Avenue on Sunday, August 14th from 3 to 5 p. m., to commemorate the signing of the original Social Security Act on August 14, 1935.

A claim for damages to the automobile of Gus Henderson in the amount of $128.50 was filed by his attorney, Julius S. Harrill, Jr., which claim was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

NOTICE OF CLAIM

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE, N. C.:

You will please take notice that GUS HENDERSON, a resident of the City of Asheville, N. C., by and through JULIUS S. HARRILL, JR., Attorney, pursuant to Section 149 and 150 of the City Charter and Sections 243 and 244, Chapter 16, Private Laws of North Carolina 1923, hereby claims and demands $128.50 from the City of Asheville as a result of damages sustained to his 1955 Ford automobile, License No. ZF 1852, N.C. 1960.

The claimant's automobile was damaged May 8, 1960 at about 1;P.M. while said car was being operated in a Northward direction on Morningside Drive was struck by an automobile traveling in a Southward direction on Winthrop Road: said collision having occured at the blind, unmarked intersection of Morningside Drive and Winthrop Road at which point no Stop Signs are maintained on either street.

The above described collision resulted from the negligence of the City of Asheville in permitting a blind corner to exist without Stop Signs on either of said streets.

As a result of said negligence on the part of the City of Asheville the claimant is damaged $108.50 for repairs to his Automobile and $20.00 for loss of use of his car while repairs are being made.

The claimant presents his claim for $128.50 through his Attorney and respectfully requests payment of same.

S/ Julius S. Harrill, Jr.
Julius S. Harrill, Jr.
Attorney for Claimant

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

GUS HENDERSON, being duly sworn, says: That he is the claimant in the above Notice of Claim against the City of Asheville, N. C.; that he has read or heard read the foregoing claims and knows the contents thereof; that the same is true of his own knowledge, except as to the matters and things therein stated upon information and belief, and as to those matters he verily believes it to be true.

S/ Gus Henderson
Gus Henderson

Sworn and subscribed before me this the 5th day of August, 1960.

S/ Edith C. Miller
Notary
My comm. expires 2/2/62 (Seal)

RECEIVED BY: Gladys F. Worley for the City of Asheville, on this the 6 day of August, 1960.

S/ Gladys F. Worley

...WOOD AVENUE EXTENSION -
...OF PLAT AND ...
...SION ORDINANCE #424

A communication was received from the Planning and Zoning Commission requesting approval of the plat of Rosewood Avenue Extension, and consideration of a 10' variance in the right-of-way widths.

August 11, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of "Rosewood Avenue Extension", prepared by Mr. J. R. Reagan for Messrs. Wm. and J. M. ...man, shows the subdivision of property between Tacoma Street and Rosewood Avenue in the Montford Hills section.

The plat has been reviewed by this commission at its regular meeting held on June 1st, 1960. This Commission has approved this plat, subject to City Council's approval of a 10' variance in the right-of-way widths. The reason for this variance is due to unforseen and lengthy delay of the owners getting the plat recorded. In accordance with City Ordinance No. 424, this variance, if authorized, is required to be entered in writing in the minutes of the City Council with the reasoning on which this departure was justified set forth.

It is requested that this variance be considered and this plat be given your approval.

Sincerely yours,

S/ John R. Hampton
Planning Director

...-M 15.30

The Council considered the 10' variance in the right-of-way widths, and because of the fact that said plat had been completed some months before the passage of Ordinance #424 but there was a delay in getting the plat recorded, Councilman Sumner moved that the variance and plat be approved in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Morgan and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Dogwood Grove Extension.

August 11, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Dogwood Grove Extension, prepared by C. N. Baumann for Mrs. Luceba Britt, shows subdivision of property located near the New Haw Creek Road.

The plat has been reviewed by this Commission at its regular meeting held on March 2nd, 1960. It was recommended that it be given your approval.

Sincerely yours,

JRH:nr
BN AS - N 15.30
Encl:
cc: Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Morgan introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 25.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute quit-claim deed to Center Medical Building, Inc., which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 26.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS DEED, made and entered into this the 11 day of August, 1960, by and between the CITY OF ASHEVILLE, N. C., a municipal corporation, hereinafter referred to as Grantor and CENTER MEDICAL BUILDING, INC., a North Carolina corporation, hereinafter referred to as Grantee;

W I T N E S S E T H:

WHEREAS, the Grantor herein did by Deed dated the 15th day of November, 1955, and recorded on the 1st day of December, 1955, in the Office of the Register of Deeds for Buncombe County, North Carolina in Deed Book 766, at Page 281, acquire an easement for water lines over that certain tract of land hereinafter particularly described; and

WHEREAS, the said Grantor has completely removed the water lines erected upon said easement and has completely abandoned the same; and

WHEREAS, the Grantee herein is now the owner of the property over which said easement was granted as aforesaid; and

WHEREAS, the Grantor herein is desirous of relinquishing any claim which it may have for an easement over said property and no longer claim any right, title or interest in or to said property;

NOW, THEREFORE, the Grantor for and in consideration of the sum of ONE ($1.00) Dollar to it in hand paid, the receipt of which is hereby acknowledged, has remised and released any by these presents do remise, release and forever quitclaim unto the Grantee, its successors and assigns, all right, title, claim and interest of the Grantor in and to a certain tract or parcel of land lying and being in the County of Buncombe, State of North Carolina and more particularly described as follows:

Being a strip of land 5 feet in width and being 2½ feet on both sides of the center line described as follows in the City of Asheville.

BEGINNING at a point in the western boundary line of the property described in Deed Book 699, at Page 401 which beginning point is 10 feet from the southwest corner of the property described in Dead Book 699, at Page 401, which said deed is recorded in the Office of the Register of Deeds for Buncombe County, N. C. and running thence North 76 deg. 30' East 120.0 feet to the termination point.

Being also strip No. 2 as shown in a deed from Norman L. Anderson and wife, Margaret Z. Anderson dated the 15th day of November, 1955, and recorded in the Office of the Register of Deeds for Buncombe County, N. C. in Deed Book 766, at Page 281.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges thereunto belonging to it, the said Grantee, its successors and assigns free and discharged from all right, title, claim or interest of the Grantor or any one claiming by, through or under it.

IN TESTIMONY WHEREOF, the City of Asheville has caused this instrument to be executed by its

Mayor and its corporate seal to be hereto affixed and attested by its City Clerk, all by authority of the City Council of the City of Asheville, this the day and year first above written.

CITY OF ASHEVILLE

ATTEST:

S/ Margaret Simmons
City Clerk

BY S/ E. W. Eller

(Seal)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

This the 11 day of August, 1960, personally appeared before me, a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. Eller, who, being duly sworn, says that he is Mayor of the City of Asheville that the seal affixed to the foregoing and annexed deed is the corporate seal of said corporation, and that said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said E. W. Eller acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

My commission expires:
Dec. 16, 1960

S/ Lillian Ducker
Notary Public

(Seal)

435

The City Manager advised the Council that due to the procedure set up in Ordinance No. 427 concerning excavating and filling of land delays of several weeks had resulted in getting action on permits, and recommended amending the ordinance to give the City Manager authority to approve applications, subject to review by the City Council if requested. The City Manager further advised that the standards set up in said ordinance are not changed by the proposed amendment.

Following a discussion, Councilman Preslar introduced Ordinance No. 435, being "AN ORDINANCE AMENDING ORDINANCE NO. 427 , KNOWN AS 'AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND'", which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Preslar moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Mulvaney and unanimously adopted.

ORDINANCE NO. 435

Ordinance No. 435, being "AN ORDINANCE AMENDING ORDINANCE NO. 427, KNOWN AS 'AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND'", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 435, being "AN ORDINANCE AMENDING ORDINANCE NO. 427, KNOWN AS 'AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND'", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 435

AN ORDINANCE AMENDING ORDINANCE NO. 427, KNOWN AS "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance No. 427, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR EXCAVATING AND FILLING OF LAND", be and is hereby amended as follows:

1. That sub-section (d) under Section 2 of said ordinance be stricken out and the following inserted in lieu thereof:

(d) City Manager - The Chief Executive Officer of the City.

2. That Section 3. of said ordinance be and is hereby repealed, and the following section ... and is hereby enacted in lieu thereof:

Section 3. Procedure. No excavation or filling operation may be started until a permit is ... sued for the operation. Permits shall be issued only upon order of the City Manager.

Two copies of the proposed plan, prepared in accordance with the General Requirements in Se... 4 and Minimum Standards of Design in Sections 5 of these regulations shall be submitted to the office of the C... Manager. Should the City Manager fail to take action on the plan within forty-five (45) days, the petitioner ... seek approval at the City Council's next regular meeting.

3. That Section 5 of said ordinance be amended by striking out the words "Planning Commissi... in the second paragraph of said section, and inserting the words "City Manager" in lieu thereof.

4. That Section 6 of said ordinance be amended by striking out the words "Building Inspect... and inserting the word "Manager" in lieu thereof.

5. That Section 7 of said ordinance be amended by inserting the word "written" between the ... "the" and "instructions" in the second line of said section; and that said section be further amended by strik... out the words "Building Inspector" and inserting the words "City Manager" in lieu thereof.

Section 2. Separability. Should any section or provision of this ordinance be decided by ... courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a wh... or any part thereof other than the part so decided to be unconstututional or invalid.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereb... pealed.

Section 4. This ordinance shall take effect and be in effect from and after fifteen (15) d... from date of final passage.

I move the adoption of the foregoing ordinance, this 11 day of August, 1960.

C. M. Preslar
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted 11 day of August, 1960, to become effective 26 day of August, 196...

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that the bond attorneys had tentatively set October 4th as the dat... the election on the proposed $4,500,000 water bond issue.

The Council accepted the invitation of the Asheville Agricultural Development Council to tou... the Barnardsville area, which was the winner in the Annual Community Development Program, on Thursday of next w...

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY C...

Thursday, August 18, 1960 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hal... the usual place of meeting, at 4:00 o'clock P. M., on August 18, 1960.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. A... C. M. Preslar, T. B. Sumner, C. E. Morgan.

Absent: None

Also present J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

Councilman McRary introduced in written form the following ordinance authorizing bonds whic... read:

Ordinance No. 436

ORDINANCE AUTHORIZING
$4,500,000 WATER BONDS

WHEREAS, the City of Asheville now owns and operates a waterworks system which is supplying ... distributing water both within and without the corporate limits of the City; and

WHEREAS, there are now outstanding $2,928,488.37 Water Refunding Bonds, which are general ob... tions of the City and for the payment of which and the interest thereon revenues of the waterworks system have ... tofore been pledged in the amount of $230,000 for each fiscal year, ending with the fiscal year 1975-1976, all ... suant to the provisions of Ordinance No. 237, adopted May 21, 1936; and

WHEREAS, pursuant to the provisions of an ordinance adopted by the Council on March 15, 1951 which ... approved by the vote of a majority of the qualified voters of the City who voted thereon at an election duly call... and held on May 8, 1951, and a resolution duly passed by the Council on November 15, 1951, there were issued ...,000 Water Bonds of 1951, of which $2,395,000 are now outstanding, for the payment of which the full faith and ...dit of the City of Asheville are irrevocably pledged, and for the payment of which there is also pledged an amount ...the revenues of the waterworks system sufficient in each year to pay the principal of and the interest on said bonds ...the same shall fall due, subject to the pledge of revenues of the waterworks system to the payment of the outstand... ...Water Refunding Bonds hereinabove mentioned; and

WHEREAS, said resolution of November 15, 1951 permits a further pledge of said revenues for the pay... ...of additional general obligation bonds of the City issued to provide funds for paying the cost of improving, en... ...arging or extending the waterworks system or the sanitary sewer system of the City, on a parity with the pledge made ...ein to the payment of said Water Bonds of 1951 upon compliance with the conditions, limitations and restrictions ...herein set forth but otherwise junior and subject to such pledge; and

WHEREAS, the Council has determined that it is necessary to enlarge and extend the waterworks system ...of the City as hereinafter provided, the estimated cost of which is $4,500,000, and has determined to issue general ob... ...ligation bonds of the City therefor, reserving the right additionally to pledge to the payment of said bonds and the in... ...erest thereon revenues of the waterworks system pursuant to the authority granted by Chapter 921 of the Session Laws of ...; now, therefore,

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, ...th Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now ...hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal ...nt not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of ...d City within and without the corporate limits of the City, including the construction and installation of additional ...pansion mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, ...nd and rights of way.

Section 2. That there may be pledged to the payment of said bonds and the interest thereon revenues ...the waterworks system available therefor if and to the extent that the Council shall hereafter determine by resolution.

Section 3. That a tax sufficient to pay the principal of and the interest on said bonds shall be an... ...lly levied and collected, but in the event that any revenues of the waterworks system shall be pledged to the payment ...said bonds such tax may be reduced by the amount of such revenues available for the payment of such principal and in... ...est.

Section 4. That a statement of the debt of the City has been filed with the Clerk and is open to ...blic inspection.

Section 5. That this ordinance shall take effect when approved by the voters of the City at an elec... ...n as provided in said Act.

...ROVED AS TO FORM:

O. E. Starnes, Jr.
Corporation Counsel

Mayor

City Clerk

Thereupon, upon motion of Councilman McRary, seconded by Councilman Morgan, the ordinance entitled: ...DINANCE AUTHORIZING $4,500,000 WATER BONDS" as hereinabove set forth, was passed upon its first reading by the follow... ...g vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Preslar, Sumner, Morgan, Mayor Eller.

Nays: None

Thereupon Councilman Mulvaney introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE CITY MANAGER
TO PREPARE AND FILE THE SWORN STATEMENT
OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who shall prepare and ... with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which ...Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ...dinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take ef... ...immediately.

...ved as to form:

J. E. Starnes, Jr.
Corporation Counsel

Mayor

City Clerk

Upon motion of Councilman Mulvaney, seconded by Councilman Preslar, the foregoing resolution entitled: ...LUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was ...ed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Preslar, Sumner, Morgan, and Mayor Eller.

Nays: None

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the s... ment of indebtedness and assessed valuation as so required, which statement is attached to and made a part of t... minutes.

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE
CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT
TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, J. Weldon Weir, City Manager of the City of Asheville, North Carolina, having been desig... ed by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Finan... Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the b... in my office, not taking into consideration any debt incurred in anticipation of the collection of taxes or in ... cipation of the sale of bonds:

(a) GROSS DEBT

a(1) Outstanding debt, not evidenced by bonds.....$...None.....

a(2) Outstanding bonded debt:

Date of Issue	Designation	Amount
July 1, 1936	Refunding General	$ 8,612.328.46
July 1, 1936	City Water Refunding	2,928,488.37
December 1, 1951	Water Improvements	2,395,000.00
December 1, 1957	Asheville Airport	970,000.00
July 1, 1936	Caney Valley Sanitary Sewer Dist.	17,841.49
July 1, 1936	Beaverdam Water & Sewer Dist.	249,183.68
July 1, 1936	East Biltmore Sanitary Sewer Dist.	12,605.96
July 1, 1936	Hazel Ward Water & Watershed Dist.	7,502.52
July 1, 1936	South Buncombe Water & Watershed Dist.	91,646.35
July 1, 1936	Swannanoa Water & Sewer Dist.	410,120.06
July 1, 1936	Fairview Sanitary Sewer Dist.	10,526.60

TOTAL BONDED DEBT 6-30-60 $ 15,705,24...

a(3) Bonded debt to be incurred under ordinances passed or introduced:
Water Bonds (Ordinance introduced August 18, 1960.....$ 4,500 00...
Airport Bonds (Balance of ordinance passed March 28, 1957 100,000.

(a) GROSS DEBT, being the sum of a(1), a(2) and a(3).....$ 20,305,24...

(b) DEDUCTIONS

b(1) Unissued funding or refunding bonds included in Gross Debt.....$ None

b(2) Sinking Funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes.....$ 214,442...

b(3) Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt.....$ None

b(4) Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some of the gross debt .....$ None

b(5) Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes (includes share 7 water districts).....$ 10,622,915...

b(6) The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt..... None

b(7) Indebtedness included in gross debt and incurred for school purposes..... None

b DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7).....$ 10,837,357.22

NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b).....$ 9,467,886.27

(d) ASSESSED VALUATION

ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1960.....$112,300,000.00....

(e) DEBT RATIO

Percentage which the net debt bears to said assessed valuation..... 8 . 43 %

The foregoing statement is true.

S/ J. Weldon Weir
City Manager of the
City of Asheville

...E OF NORTH CAROLINA)
) ss
...TY OF BUNCOMBE)

Subscribed and sworn to before me this 18th day of August, 1960.

S/ Lillian Ducker
Notary Public

...eal) My commission expires Dec. 16, 1960 .

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that ...foregoing is a true copy of a statement filed with me at a meeting of the City Council of said City on August ..., 1960, after the introduction and before the passage of an ordinance authorizing $4,500,000 Water Bonds of said ...y, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 18 day of August, 1960.

...eal) S/ Margaret Simmons
City Clerk

Thereupon, upon motion of Councilman Preslar, seconded by Councilman Sumner, the requirement of the ...ter that ordinances be read on three separate days was dispensed with by the following vote, being not less than ...-thirds of the members of the Council:

Yeas: Councilmen McRary, Mulvaney, Algary, Preslar, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon upon motion of Councilman McRary, seconded by Councilman Morgan, the ordinance entitled: ...NCE AUTHORIZING $4,500,000 WATER BONDS" as hereinabove set forth was read a second time and was passed upon its ... reading by the following vote:

Yeas: Councilmen McRary, Sumner, Algary, Preslar, Mulvaney, Morgan, and Mayor Eller.

Nays: None

Thereupon, upon motion of Councilman McRary, seconded by Councilman Morgan, the ordinance entitled: ...NCE AUTHORIZING $4,500,000 WATER BONDS" as hereinabove set forth was read a third time and was passed upon its ... and final reading by the following vote:

Yeas: Councilmen McRary, Sumner, Algary, Preslar, Mulvaney, Morgan, and Mayor Eller.

Nays: None

Thereupon the ordinance entitled: "ORDINANCE AUTHORIZING $4,500,000 WATER BONDS" and the r
lution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND A
SESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Cou
sel endorsed upon said ordinance and said resolution his approval of the forms thereof.

Thereupon upon motion made by Councilman Sumner, seconded by Councilman McRary, and adopted,
City Clerk was directed to publish the ordinance entitled: "ORDINANCE AUTHORIZING $4,500,000 WATER BONDS" in T
Asheville Times, once in each of two successive weeks, and to publish at the foot of said ordinance the append
note as required by The Municipal Finance Act, 1921, as amended.

Thereupon Councilman Algary introduced in written form the following resolution which was re

RESOLUTION CALLING A SPECIAL BOND ELEC-
TION AND ORDERING A NEW REGISTRATION OF
VOTERS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a special bond election is hereby called to be held on Tuesday, October 4,
1960, between 6:30 A.M. and 6:30 P.M., Eastern Standard Time, at which there shall be submitted to the voters of
said City the following question:

> Shall an ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of said City within and without the corporate limits of the City, including the construction and installation of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 2. That there shall be a new registration of voters for said election, the books to
opened on Saturday, September 3, 1960 and to be closed on Saturday, September 24, 1960, remaining open during all
days within said period, except Sundays and holidays, from 9:00 A.M. until sunset. On each Saturday during said
registration period said books shall be open at the polling places. Saturday, October 1, 1960, shall be Challe
Day.

Section 3. That notice of said election shall be published in The Asheville Times, at leas
30 days before the date hereinabove fixed for the closing of the registration books, and again not later than
days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
and
NEW REGISTRATION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A.M. and 6:30 P.M., Eastern Standard Time
Tuesday, October 4, 1960, at which there will be submitted to the qualified voters of the City of Asheville the
following question:

> Shall an ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of said City within and without the corporate limits of the City, including the construction and installation of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds

thorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville
the payment of the principal of and the interest on said bonds, but in the event that any revenues of the water-
ks system shall be pledged to the payment of said bonds such tax may be reduced by the amount of such revenues
ilable for the payment of such principal and interest.

A new registration of voters for said election has been ordered and no one will be permitted to
e unless registered anew. The books for such new registration will remain open from 9:00 A.M. until sunset on
ch day, except Sundays and holidays, beginning Saturday, September 3, 1960 and ending Saturday, September 24,
0. On each Saturday during said registration period said books will be open at the polling places. Saturday,
ober 1, 1960, is Challenge Day.

The precincts and polling places and the names of the election officers, subject to change as pro-
ded by law, are as follows:

CINCTS	POLLING PLACES	REGISTRARS	JUDGES
1	COURT HOUSE	Mrs. Fay V. Lanning	Miss Ella Mae Smith David Evans
2	WILLIAM RANDOLPH SCHOOL	Mrs. Nola Cunningham	Mrs. Mary Ann Geddert Lovell Rhodes
3	CLAXTON SCHOOL	Mrs. Cecil Earp	Mrs. Frances G. Leemon Mrs. Mayme Peacock
4	NORTH ASHEVILLE COMMUNITY CENTER	Mrs. Eugene Bartlett	Mrs. J. Lovell Smith Mrs. Royal K. Abbott
5	GRACE SCHOOL	Mrs. Mary Ellen Wolcott	Mrs. Mary L. Batchelor M. M. Hayes
6	HAW CREEK SCHOOL	Mrs. Mary Flynn	Laurence Stoker Mrs. Rod Bosse
7	NEWTON SCHOOL	Mrs. J. J. Stone	Mrs. Elizabeth R. Brooks Alfred E. Schreiber
9	OAKLEY SCHOOL	Mrs. J. L. McMahan	Mrs. Paul Williams Boyd Blaylock
10	LIVINGSTON STREET SCHOOL	Mrs. Willie Ford Hennessee	Eugene J. Smith Mrs. Laura M. Glenn
11	ASTON PARK	Mrs. Maude E. Roe	Norman R. Cooper Miss Doris Swilling
12	HALL FLETCHER SCHOOL	George S. Simpson	Mrs. Marie Hensley J. V. Noland
13	EUGENE RANKIN SCHOOL	Roy Fisher	Mrs. Fairlee Taylor Mrs. Mabel Judd
14	AYCOCK SCHOOL	Mrs. W. K. Dalton	Mrs. Hannah T. Bradley H. A. Roberts
15	VANCE SCHOOL	Mrs. Fred H. Lentz	W. T. Hollingsworth Mrs. Dorothy Purdue
16	WEST ASHEVILLE COMMUNITY CENTER	Mrs. Grace B. Jones	Mrs. N. W. Brown Mitchell F. Lominac

By order of the Council of the City of Asheville, this 18th day of August, 1960.

MARGARET SIMMONS
City Clerk

Section 4. That the persons whose names are mentioned in the foregoing form of election notice
hereby appointed registrars and judges, respectively, for the polling places therein set forth, and that the
ction shall be held at such polling places.

Section 5. That the form of the question to appear in the ballot form of the voting machines which
to be used at said election shall be substantially as follows:

.....

YES NO

SPECIAL
BOND ELECTION

TUESDAY

October 4, 1960

Shall an ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of said City within and without the corporate limits of the City, including the construction and installation of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

.....

Section 6. That the Municipal Board of Elections is hereby authorized and directed to perform all
the duties necessary for the calling and holding of said election.

Section 7. That the City Clerk is hereby directed to immediately certify a copy of this resolution

to said Municipal Board of Elections.

Section 8. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

O. E. Starnes, Jr.
Corporation Counsel

City Clerk

Upon motion of Councilman Algary, seconded by Councilman Mulvaney, the foregoing resolution titled: "RESOLUTION CALLING A SPECIAL BOND ELECTION AND ORDERING A NEW REGISTRATION OF VOTERS" was passed by following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Preslar, Sumner, Morgan, and Mayor Eller.

Nays: None

Thereupon the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION AND ORDERING NEW REGISTRATION OF VOTERS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

The City Manager reported that bids, as advertised for, for runway lighting and other safety facilities at the new airport had been received, and were now being tabulated, and would be presented to the Council at its next meeting.

Councilman Morgan introduced a resolution designating the name of the airport now being constructed as the "Asheville Airport", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 31.

The City Manager presented the statement showing the budget position of the city for the period ending July 31, 1960.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 25, 1960 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting at 4:00 o'clock P. M., on August 25, 1960.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, T. B. Sumner, C. E. Morgan.

Absent: C. M. Preslar.

Also present J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A petition signed by a number of residents in West Asheville was presented requesting that action be taken to correct an alleged nuisance condition relating to a log cabin on the corner of Louisiana and Dragon Avenues, being No. 171 Louisiana Avenue.

This matter was referred to the Sub-Standard Housing Officer.

A petition signed by a number of residents of South French Broad Avenue was presented, asking additional street lighting.

This matter was referred to the City Manager for action.

The City Manager presented to the Council bids which were received for new fencing, paving holding pads, painting markings on runway paving and high intensity runway and taxiway lighting at the new airport:

ing	
. Robinson Const. Co.	$22,050.00
ison Fence Company	22,144.30
t Holding Pads	
. Critcher, Inc.	14,850.95
ted Markings	
. Critcher, Inc.	3,138.13
erstate Markings, Inc.	2,852.85
ing Runway, Sch. A. & Sch. B.	
er Elect. Const. Co.	71,093.40
st Electric Company	62,374.90
. Haynes Elec. Corp.	63,930.00
. South Const. Co.	63,927.79

The City Manager advised that the Federal Aviation Agency and the architects had recommended the acceptance of the lowest bids. Whereupon Councilman McRary introduced a resolution awarding contracts for furnishing all labor and materials and performing all work for new fencing, paving holding pads, painting markings on runway paving and high intensity runway and taxiway lighting, and appurtenant work thereto at the new Asheville Airport, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 32.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute a deed for and on behalf of the City to the State of North Carolina for the city's interest in lands on which it is proposed that a National Guard Armory for the use of the National Guard, or any similar or successor military organization is to be constructed, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 34.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS DEED, made this 25 day of August, 1960, by the CITY OF ASHEVILLE, a municipal corporation, acting through its Mayor upon authority duly given by the City Council, body politic and corporate, existing under and by virtue of the laws of the State of North Carolina, party of the first part, to the STATE OF NORTH CAROLINA, party of the second part,

W I T N E S S E T H:

WHEREAS, the party of the first part is now the owner in fee simple of certain lands hereinafter described upon which it is contemplated that a National Guard Armory will be constructed which will be devoted to the use of the North Carolina National Guard, or any similar or successor military organization; and

WHEREAS, the party of the first part have determined by appropriate resolution of the City Council of the City of Asheville, North Carolina that it would be to the public interest to convey said property to the State of North Carolina for such time as said property may be required by the State of North Carolina for military purposes, in the opinion of the North Carolina Armory Commission, or its successor, either for the use of the State of North Carolina or for the use of the United States of America under the provisions of the National Defense Facilities Act of 1950; and

WHEREAS, the State of North Carolina has agreed to accept such conveyance;

NOW, THEREFORE, for and in consideration of the promises and pursuant to Chapter 143, Section 235, of the General Statutes of North Carolina, as amended, the parties of the first part have bargained and sold, and, subject to the conditions and agreements hereinafter expressed, do hereby bargain, sell and convey unto the State of North Carolina, and its successors, in fee simple, that certain tract or parcel of land situate in the City of Asheville, Buncombe County, North Carolina, and more particularly described as follows:

BEGINNING on a concrete monument about 247.5 feet east of a white oak in the line of the land known as the "Bungalo tract" which said beginning point is the original beginning point for the Ryerson 90 acre tract hereinafter referred to, and runs thence South 2 deg. 30' West 400.1 feet to a nail in Old Shelbourne Road, thence South 16 deg. 30' East 66.0 feet to a nail in the pavement of said road; thence South 85 deg. 00' East 231.0 feet to a hub; thence South 17 deg. 00' East 162.5 feet to a hub in the northwestern margin of Brevard Road; said hub being 30 feet from the center line of said road; thence with the northwestern margin of Brevard Road the following courses and distances: North 43 deg. 47' East 54 feet; North 55 deg. 55' East 75.4 feet; North 68 deg. 11' East 100 feet; North 67 deg. 04' East 100 feet; North 74 deg. 31' East 50 feet; North 70 deg. 52' East 50 feet; North 66 deg. 28' East 100 feet; North 59 deg. 01' East 100 feet; North 51 deg. 15' East 50 feet; North 44 deg. 24' East 50 feet; North 39 deg. 06' East 50 feet; North 31 deg. 32' East 50 feet; North 25 deg. 41' East 88.5 feet; and thence North 85 deg. 00' West 1037.5 feet to the point and place of BEGINNING. Containing 9.5 acres and being a part of the premises conveyed to the Grantor herein by J. C. Penland and wife, Cynthia Penland by Deed recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Deed Book 317, at Page 317.

This deed is made subject to the following:

1. Right-of-way for N. C. Highway 119 (Brevard Road).
2. Right-of-way for Shelbourne Road.
3. Right-of-way for Old Shelbourne Road.
4. Right-of-way and easement for existing sewer and water mains and lines.

TO HAVE AND TO HOLD the aforesaid property unto the State of North Carolina so long as the North

Carolina Armory Commission, or its successor, deems that said property is required by the State of North Carolina or the United States of America for military purposes, or for any purpose set forth in the National Defense Facilities Act of 1950; and upon the condition that when the same shall be no longer required by the State of North Carolina or the United States of America, in the opinion of the North Carolina Armory Commission, or its successor, title thereto in fee simple shall revert to the City of Asheville and County of Buncombe, North Carolina.

IN WITNESS WHEREOF, the City of Asheville has caused this instrument to be executed by its Mayor and its corporate seal to be hereto affixed and attested by its City Clerk, all by authority of the City Council of the City of Asheville, this the day and year first above written.

ATTEST:

CITY OF ASHEVILLE

S/ Margaret Simmons
City Clerk
(Seal)

By S/ E. W. Eller
Mayor

State of North Carolina
County of Buncombe

THIS the 25 day of August, 1960, personally appeared before me, a Notary Public in and for the County of Buncombe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of Asheville and that the seal affixed to the foregoing and annexed deed is the corporate seal of said corporation, and that said instrument was signed and sealed by him, in behalf of said corporation by authority duly given and the said E. W. Eller acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute contract between Carolina Power & Light Company and the City of Asheville, North Carolina, for electric service to the Municipal Airport Terminal Building, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 35.

Application for Supply of Electricity
Form No. 2

Date August 25, 1960

1. The undersigned, hereinafter called "Customer", hereby applies to Carolina Power & Light Company, hereinafter called "Company", for the supply of all purchased electricity needed for the operation of Customer's Municipal Airport Terminal Building, located approx. 2.5 miles west of Arden, North Carolina, in an initial amount of not less than 125 kw, in accordance with the terms hereof, Company's Schedule No. G-2B, Rider(s) No. --, and its Service Regulations, a copy of each being attached hereto and made a part hereof.

2. Electricity supplied hereunder shall be in the form of three phase alternating current of approximately 60 cycles frequency and at approximately 120/208 volts. The maintenance by Company of electricity available to Customer in the above form, and in the quantity applied for, at the point of delivery defined below, shall constitute delivery by Company of the electricity applied for whether or not Customer makes any use thereof.

3. The point of delivery for service supplied hereunder will be on Company's pole approximately 360 ft. south of point where underground conduit enters Customer's building.

4. Upon the acceptance hereof by Company, evidenced by the signature of its authorized representative appearing below, this Application shall be an Agreement for the supply of the electricity applied for.

5. Bills rendered for the electricity supplied hereunder are payable within 10 days from date thereof at Company's Asheville office.

6. The term of this Agreement is from October 1, 1960, or from the date electricity is first taken hereunder, whichever is earlier, and continuing until October 1, 1970, and shall automatically extend thereafter for a successive period or periods of ten years each unless terminated by either party at the end of any period by giving not less than six months' written notice to the other party.

7. The applicable Schedule, Riders, and Service Regulations hereto attached as a part of this Agreement are subject to change, revision, alterations, or substitution either in whole or in part, made at any time or from time to time by the order of the State's regulatory authority having jurisdiction, and any such change, revision, alteration, or substitution shall, unless specified in such order, immediately become effective and nullify any prior provision in conflict therewith.

CITY OF ASHEVILLE, Customer

Attest: S/ Margaret Simmons
Seal) City Clerk

By s/ E. W. Eller
(

Approved as to form:

S/ O. E. Starnes, Jr.
Corporation Counsel

Accepted: _____ day of _____, 19_____

CAROLINA POWER & LIGHT COMPANY

By_____General Sales Mgr.
Authorized Representative (Title)

Approved _____, 19_____

_____
Attorney

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute contract between Carolina Power & Light Company and the City of Asheville, North Carolina, for electric service to the Municipal Airport Terminal Restaurant, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 36.

Application for Supply of Electricity
Form No. 2

Date August 25, 1960

1. The undersigned, hereinafter called "Customer", hereby applies to Carolina Power & Light Company, hereinafter called "Company", for the supply of all purchased electricity needed for the operation of Customer's Municipal Airport Terminal Restaurant, located approx. 2.5 miles west of Arden, North Carolina, in an initial amount of not less than 75 kw, in accordance with the terms hereof, Company's Schedule No. G-2B, Rider(s) No. --, and its Service Regulations, a copy of each being attached hereto and made a part hereof.

2. Electricity supplied hereunder shall be in the form of three phase alternating current of approximately 60 cycles frequency and at approximately 120/208 volts. The maintenance by Company of electricity available to Customer in the above form, and in the quantity applied for, at the point of delivery defined below, shall constitute delivery by Company of the electricity applied for whether or not Customer makes any use thereof.

3. The point of delivery for service supplied hereunder will be on Company's pole approximately 360 ft. south of the point where underground conduit enters Customer's building.

4. Upon the acceptance hereof by Company, evidenced by the signature of its authorized representative appearing below, this Application shall be an Agreement for the supply of the electricity applied for.

5. Bills rendered for the electricity supplied hereunder are payable within 10 days from date thereof at Company's Asheville office.

6. The term of this Agreement is from October 1, 1960, or from the date electricity is first taken hereunder, whichever is earlier, and continuing until October 1, 1970, and shall automatically extend thereafter for a successive period or periods of ten years each unless terminated by either party at the end of any period by giving not less than six months' written notice to the other party.

7. The applicable Schedule, Riders, and Service Regulations hereto attached sa a part of this Agreement are subject to change, revision, alterations, or substitution either in whole or in part, made at any time or from time to time by the order of the State's regulatory authority having jurisdiction, and any such change, revision, alteration, or substitution shall, unless specified in such order, immediately become effective and nullify any prior provision in conflict therewith.

ATTEST: S/ Margaret Simmons
City Clerk

CITY OF ASHEVILLE, Customer

APPROVED AS TO FORM:

By S/ E. W. Eller Mayor
(Title)

S/ O. E. Starnes, Jr.
Corporation Counsel

Accepted: ____ day of _____, 19____

CAROLINA POWER & LIGHT COMPANY

_____Industrial Sales Manager.
Authorized Representative (Title)

Approved _____, 19_____

_____
Attorney

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute contract between Carolina Power & Light Company and the City of Asheville, North Carolina, for electric service to the Municipal Airport Runway Lights, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 37.

Application for Supply of Electricity
Form No. 2

Date August 25, 1960

1. The undersigned, hereinafter called "Customer", hereby applies to Carolina Power & Light Company, hereinafter called "Company", for the supply of all purchased electricity needed for the operation of Customer's Municipal Airport Runway Lights, located at or near approx. 2.5 miles west of Arden, North Carolina, in an initial amount of not less than 10 kw, in accordance with the terms hereof, Company's Schedule No. G-1D, Rider(s) No. --, and its Service Regulations, a copy of each being attached hereto and hereby made a part hereof.

2. Electricity supplied hereunder shall be in the form of single phase alternating current of approximately 60 cycles frequency and at approximately 2400 volts. The maintenance by Company of electricity available to Customer in the above form, and in the quantity applied for, at the point of delivery defined below, shall constitute delivery by Company of the electricity applied for whether or not Customer makes any use thereof.

3. The point of delivery for service supplied hereunder will be on Company's pole approximately 360 ft. south of point where underground conduit enters Customer's building.

4. Upon the acceptance hereof by Company, evidenced by the signature of its authorized representative appearing below, this Application shall be an Agreement for the supply of the electricity applied for.

5. Bills rendered for the electricity supplied hereunder are payable within 10 days from date thereof at Company's Asheville office.

6. The term of this Agreement is from October 1, 1960, or from the date electricity is first taken hereu... whichever is earlier, and continuing until October 1, 1970, and shall automatically extend thereafter for a su... sive period or periods of ten years each unless terminated by either party at the end of any period by giving ... less than six months' written notice to the other party.

7. The applicable Schedule, Riders, and Service Regulations hereto attached as a part of this Agreement ... subject to change, revision, alterations, or substitution either in whole or in part, made at any time or from ... to time by the order of the State's regulatory authority having jurisdiction, and any such change, revision, al... tion,or substitution shall, unless specified in such order, immediately become effective and nullify any prior ... vision in conflict therewith.

ATTEST: S/ Margaret Simmons
City Clerk

CITY OF ASHEVILLE, Custo...

By S/ E. W. Eller (Ti...

Approved as to form:

S/ O. E. Starnes, Jr.
Corporation Counsel

Accepted: _____ day of _____, 19____
CAROLINA POWER & LIGHT COMPANY
By_____ Industrial Sales Mgr.
(Title)
Approved _____, 19_____

_____
Attorney

Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute contr... between Carolina Power & Light Company and the City of Asheville, North Carolina, for electric service to the ... nicipal Water Pump located at or near Beaverdam Rd., at the end of Kimberly Ave., which was, upon motion of Co... man Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 38.

Application for Supply of Electricity
Form No. 2

Date August 25, 1960

1. The undersigned, hereinafter called "Customer", hereby applies to Carolina Power & Light Company, here... ter called "Company", for the supply of all purchased electricity needed for the operation of Customer's Munici... Water Pump, located at or near Beaverdam Rd., at end of Kimberly Ave., Asheville, North Carolina in an initial ... of not less than 30 kw, in accordance with the terms hereof, Company's Schedule No. MP-1, Rider(s) No. --, and ... Service Regulations, a copy of each being attached hereto and hereby made a part hereof.

2. Electricity supplied hereunder shall be in the form of three phase alternating current of approximate... cycles frequency and at approximately 120/240 volts. The maintenance by Company of electricity available to C... in the above form, and in the quantity applied for, at the point of delivery defined below, shall constitute d... by Company of the electricity applied for whether or not Customer makes any use thereof.

3. The point of delivery for service supplied hereunder will be on Company's pole near northwest corner ... Customer's pump house.

4. Upon the acceptance hereof by Company, evidenced by the signature of its authorized representative ap... ing below, this Application shall be an Agreement for the supply of the electricity applied for.

5. Bills rendered for the electricity supplied hereunder are payable within 10 days from date thereof at ... pany's Asheville office.

6. The term of this Agreement is from August 15, 1960, or from the date electricity is first taken hereu... whichever is earlier, and continuing until August 15, 1970, and shall automatically extend thereafter for a su... sive period or periods of ten years each unless terminated by either party at the end of any period by giving ... less than six months' written notice to the other party.

7. The applicable Schedule, Riders, and Service Regulations hereto attached as a part of this Agreement ... subject to change, revision, alterations, or substitution either in whole or in part, made at any time or from ... to time by the order of the State's regulatory authority having jurisdiction, and any such change, revision, a... tion, or substitution shall, unless specified in such order, immediately become effective and nullify any prior ... vision in conflict therewith.

ATTEST: S/ Margaret Simmons
City Clerk

CITY OF ASHEVILLE , Cus...

By S/ E. W. Eller Mayo... (Titl...

APPROVED AS TO FORM:

S/ O. E. Starnes, Jr.
Corporation Counsel

Accepted: _____ day of _____, 19____

CAROLINA POWER & LIGHT COMPANY
By_____General Sales Mgr.
Authorized Representative (Title)
Approved _____, 19____

_____
Attorney

In connection with the above contracts Councilman Algary discussed consolidation of airport ... tracts. The City Manager advised separate contracts were necessary because of the different type of service to ... rendered.

Councilman Algary introduced in written form the following resolution:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF $100,000 AIRPORT BONDS, SECOND SERIES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,200,000 Airport Bonds of the City of Asheville, was passed on ... h 28, 1957, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted ... an election duly called and held on May 14, 1957.

(b) That $1,100,000 of said bonds were issued under date of December 1, 1957, designated "Airport ..." and stated to mature annually, June 1, in numerical order, lowest numbers first, $60,000 1959 to 1972 and $65,000 ... 1976, all inclusive, without option of prior payment.

(c) That it is necessary to issue the remaining $100,000 bonds authorized by said ordinance.

(d) That the probable period of usefulness of the airport and landing field being acquired, con... ted and improved pursuant to said ordinance is a period of thirty years from March 28, 1958, a date not more than ... year after the passage of said ordinance, and that such period expires on March 28, 1988.

Section 2. That for the purpose provided in said ordinance there shall be issued the negotiable ... bonds of the City of Asheville in the aggregate principal amount of $100,000 designated "Airport Bonds, Second ...", consisting of 100 bonds of the denomination of $1,000 each, numbered 1 to 100, inclusive, dated June 1, 1960, ... ring annually June 1, in numerical order, lowest numbers first, $10,000 1961 to 1970, inclusive, without option of ... payment, and bearing interest from their date at a rate or rates not exceeding 6% per annum, to be determined by ... Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable ...-annually on the first days of June and December of each year, and both the principal of and the interest on said ... shall be payable at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, or, at the op... of the holder or registered owner, at the Manufacturers Trust Company, in the Borough of Manhattan, City and State ... York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, ... legal tender for the payment of public and private debts.

Section 3. That said bonds shall be signed by the Mayor and the City Clerk, under the corporate ... of the City, and the interest coupons to be attached to said bonds shall be executed with the facsimile signature ... said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be ... substantially the following forms:

No. _____ $1,000

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Airport Bond, Second Series

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted ... for value received hereby promises to pay to the Bearer or, if this bond be registered, to the registered owner here... on the 1st day of June, 19_____, the principal sum of

ONE THOUSAND DOLLARS

... to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of ... principal sum, such interest to the maturity hereof being payable semi-annually on the first days of June and De... ber of each year upon the presentation and surrender of the coupons representing such interest as the same respec... ively become due. Both the principal of and the interest on this bond are payable at the Wachovia Bank and Trust ..., in the City of Raleigh, North Carolina, or, at the option of the holder or registered owner, at the Manufac... ers Trust Company, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United ... of America which, at the respective dates of payment thereof, is legal tender for the payment of public and ... debts. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith ... credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal ... Act, 1921, as amended, Chapter 15 of the Session Laws of 1957, and the Local Government Act, as amended, and an ... which was approved by the vote of a majority of the qualified voters of said City who voted at an election duly ... and held and resolutions duly passed by the Council of said City for the purpose of providing funds, with any other ... funds for such purpose, for acquiring, constructing, improving and equipping an airport and landing field for ... of airplanes and other aircraft and constructing improvements thereon.

It is hereby certified and recited that all acts, conditions and things required by the Constitution ... of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, ... and have been performed in regular and due form and time as so required; that provision has been made for the levy ... collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and ... interest on this bond as the same become due; and that the total indebtedness of said City, including this bond, ... not exceed any constitutional or statutory limitation thereon.

This bond is registrable as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be signed by its Mayor and its ... Clerk, under the corporate seal of the City, and has caused the interest coupons attached hereto to be executed ... the facsimile signature of said City Clerk, all as of the 1st day of June, 1960.

_____
Mayor

...roved as to form:

_____
...rporation Counsel

_____
City Clerk

(Endorsements on bonds)

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of the Local Government Act ... North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By: _____
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond may again be subject to successive registrations and transfers as before. The principal of this bond, if registered as less registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19_____,

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, or, at the option of the bearer, at the Manufacturers Trust Company, in the Borough of Manhattan, City and State of New York, upon the presentation and surrender hereof, the sum of _____Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts as provided in and for the semi-annual interest then due upon its Airport Bond, Second Series, dated June 1, 19__ numbered _____.

_____
City Clerk

Section 4. That said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration herein granted.

Section 5. That the action of the City Attorney in applying to the Local Government Commission to advertise and sell said bonds, and the action of the Local Government Commission in asking for sealed bids for said bonds (by publishing a sale notice and printing and distributing circulars) be and the same are hereby ratified and confirmed.

Section 6. That this resolution being a resolution directing administrative action shall take effect immediately.

_____
Mayor

Approved as to form:

_____
City Clerk

_____
Corporation Counsel

Upon motion of Councilman Algary, seconded by Councilman Sumner, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $100,000 AIRPORT BONDS, SECOND SERIES" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Sumner, Morgan, Mayor Eller

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $100,000 AIRPORT BONDS, SECOND SERIES" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

The City Manager announced that this is the date set for the public hearing on the zoning of certain property in the vicinity of Knoxville Place and Clingman Avenue and the amendment relating to sale of handicrafts which are manufactured predominantly by and involve the application of artistic skills.

There being no objection to said amendments, Councilman Sumner introduced Ordinance No. 437 being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, September 1, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 1, 1960, at 4:00 o'clock P. M. with Mayor W. W. Eller presiding. Present: Councilmen T. B. Sumner, C. E. Morgan, W. F. Algary, J. W. McRary, F. M. Mulvaney, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter signed by six local firms was received requesting a reduction in the $150.00 licensing fee for ice producers as it is now applied to small ice machines, and suggesting a scale of $25.00 for machines with 1,000 pound or less daily capacity, $50.00 for machines producing up to five tons per day, and $150.00 for production over five tons.

This matter was referred to the City Manager for study and recommendation.

Ordinance No. 437, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney introduced a resolution commending Mrs. Wall Anderson for her service to the Library Board of the City of Asheville, accepting her resignation, and appointing Mrs. C. M. McCracken as her successor, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 42.

The City Manager advised that in connection with amending the Civic Redevelopment Project, N. C. R-13 to include the property bounded on the north and west by College Street, on the east by Pine Street, and on the south by Poplar Street, it is necessary for the Council to request the Metropolitan Planning Board of the City of Asheville and Buncombe County to consider amending the established project area to include the area mentioned above.

The Council discussed this matter, and Councilman Preslar moved that the Metropolitan Planning Board of the City of Asheville and Buncombe County be requested to consider enlarging the established project area to include all of the area bounded on the south by Poplar Street and on the west and north by College Street and extending to Beaumont Tunnel, which motion was seconded by Councilman Morgan and unanimously adopted.

Council members expressed confidence that the high school and two churches would be considered compatible uses in the redevelopment plan and would not be in jeopardy.

The City Manager presented the audit of the City of Asheville for the period ending June 30, 1960.

The City Manager presented the Annual Report of the activities of the city libraries.

The Council discussed the fact that county residents accounted for more book circulation than city residents, and Councilman Sumner suggested county library members be charged a fee to help pay the cost of library operation.

The City Manager stated a countywide tax levy would probably be a better arrangement, but state legislation would have to be enacted.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, September 8, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 8, 1960, at 4:00 o'clock P. M. with Mayor W. W. Eller presiding. Present: Councilmen F. M. Mulvaney, J. W. McRary, C. E. Morgan, W. F. Algary, C. M. Preslar, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A proposal was received to lease the Asheville-Hendersonville Airport property by Dewey Wor[illegible] on a five year lease with rental starting at $20,000 per year and rising to $25,000 by the fifth year with a fi[illegible] year renewal option.

The City Manager advised that this facility is under the control of the Asheville-Hendersonvi[illegible] Airport Board created by authority of the General Assembly and consists of five members appointed by the City Counc[illegible] one appointed by the City of Hendersonville, and one appointed by Henderson County.

Following a discussion, this proposal was referred to the Asheville-Hendersonville Airport [illegible] for study and report.

A communication was received from the Planning and Zoning Commission recommending the approv[illegible] of the plat of Echo Hills Subdivision.

September 8, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Echo Hills Subdivision prepared by R. L. Anders, Surveyor, for Mr. Z. R. Sheppard and dated September, 1960, shows the subdivision of property near the new Leicester Highway. This property is located between Rash Road and American Way on the south, and the New Leicester Highway and the Old County Home Road on the North.

This plat has been reviewed by this Commission at its regular meeting on August 3rd, 1960. It is recommended that it be given your approval.

Sincerely yours,

JR:nr
Encl:
BN AS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Preslar moved that the above plat be approved by the Council in accordance with t[illegible] requirements of Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approv[illegible] of the plat of Richmond Hill Park, Section 2.

September 8, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Richmond Hill Park, Section 2, re-plat, prepared by C. N. Baumann, R.L.S., for Mr. Oliver Hoover and dated August 15th, 1960, shows the subdivision of property in the Richmond Hill Park development, west of the French Broad River near Pearson Bridge.

The plat has been reviewed by this Commission at its regular meeting on September 7, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
BN AS - N 15.30
cc:Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Sumner moved that the above plat be approved by the Council in accordance with t[illegible] requirements of Ordinance 424, which motion was seconded by Councilman McRary and unanimously adopted.

The Council received a certified copy of a resolution passed by the Metropolitan Planning B[illegible] endorsing the extension of Redevelopment Area No. 1.

RESOLUTION OF THE
METROPOLITAN PLANNING BOARD
OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY
RECOMMENDING CERTIFICATION OF
REDEVELOPMENT AREA

WHEREAS, the Council of the City of Asheville has requested the Metropolitan Planning Board's consideration of a possible Redevelopment Area generally bounded by Poplar Street on the South; the Crosstown Expressway on the East and North; and College Street on the North and West; and

WHEREAS, the Metropolitan Planning Board has studied the area, and has reviewed data on its present condition and its potential; and

WHEREAS, the Metropolitan Planning Board has found the predominantly residential area to be blighted, and considers substantial redevelopment within the area essential to the welfare of the City of Asheville; and

WHEREAS, said area is adjacent to and constitutes a logical extension of an area certified as a redevelopment area by the City of Asheville Planning and Zoning Commission on October 7, 1959:

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Board of the City of Asheville and Buncombe County request the City of Asheville Planning and Zoning Commission to certify said area as a Redevelopment Area, pursuant to the Urban Redevelopment Law of 1951, as amended.

CERTIFICATE OF RECORDING OFFICER

THE UNDERSIGNED HEREBY CERTIFIES, AS FOLLOWS:

1. That he is the duly qualified and acting Secretary of the Metropolitan Planning Board of Asheville and Buncombe County, herein called the "Board", and the keeper of the records of the Board including its journal of proceedings;

2. That the attached is a true and correct copy of a Resolution recommending certification of a Redevelopment Area, adopted at a meeting of the Board held on September 7th, 1960 and duly recorded in his office;

3. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law due and proper notice of such meeting was given; and that a legal quorum was present throughout the meeting;

4. That the Board does not have an official seal and is not legally required to have one;

5. That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand this 7th day of September, 1960.

S/ Anthony Redmond
Anthony Redmond
Secretary

The Council received a certified copy of the certification of Redevelopment Area 1A by the Planning [illegible]Zoning Commission.

September 8, 1960

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

Enclosed is a certified copy of this Commission's certification of a redevelopment area, designated number "1A". This certification was unanimously approved after due consideration at our regular meeting on September 7th, 1960.

Sincerely yours,

AR:nr
Encl:
BN AS - H 48

S/ Anthony Redmond
Anthony Redmond,
Secretary

REDEVELOPMENT AREA NO. 1-A

DESCRIPTION OF AREA

Beginning at the southwest corner of the intersection of College and Pine Streets, thence along the west margin of Pine Street in a northerly direction to the south margin of the Crosstown Expressway, thence along the south margin of the Crosstown Expressway in an easterly direction to the south margin of Poplar Street, thence along the south margin of Poplar Street in a westerly direction to the intersection of Poplar and College Streets, thence along the southeast and south margins of College Street in an easterly direction to the southwest corner of the intersection of College and Pine Streets, the point of Beginning.

FINDINGS

The City of Asheville Planning and Zoning Commission has examined and studied this area and had reviewed the recommendations of the Metropolitan Planning Board of the City of Asheville and Buncombe County. Pursuant to S-160-456(q) of the Urban Redevelopment Law of 1951, as amended, the City of Asheville Planning and Zoning Commission finds more than two-thirds of the number of buildings in the area have one or more of the following characteristics:

a. Dilapidated
b. deteriorated
c. obsolescent
d. inadequate provision for ventilation, light, air, sanitation, or open spaces
e. unsanitary or unsafe conditions
f. conditions which endanger life or property by fire or other causes
g. high density of population and overcrowding

CONCLUSION

Based on the above findings, the City of Asheville Planning and Zoning Commission concludes that the area is blighted and that it constitutes a Redevelopment Area.

CERTIFICATION

The City of Asheville Planning and Zoning Commission certifies that the area above described is a Redevelopment Area within the meaning of the Urban Redevelopment Law of 1951, as amended.

CITY OF ASHEVILLE PLANNING AND ZONING COMMISSION

By: S/ James M. Coleman
James M. Coleman
Chairman
September 7, 1960

CERTIFIED TO BE A TRUE AND CORRECT COPY

S/ Anthony Redmond
Anthony Redmond, Secretary,
Asheville Planning & Zoning Commission

Ordinance No. 437, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, on motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 437

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

A. That Section 6A, ROADSIDE BUSINESS AREA, be amended to include as Item 9 under A the following:

9. The manufacture and sale at retail or wholesale those handicrafts which are manufactured predominantly by hand and involve the application of artistic skills.

B. That the following described property be rezoned from Commercial District to Residential RA-5 District:

Beginning at the intersection of the east boundary of Lot No. 24 with Clingman Avenue as shown on Buncombe County Tax Maps, Ward 4, Sheet 3 and proceeding in a westerly direction to the northwest corner of Lot No. 233, thence in a southerly direction along the boundary of said Lot to the northern boundary of Lot 25, thence in a westerly direction along the northern boundaries of Lots No. 25, 237 and 239 to Knoxville Rd. Said line then extends around the rear boundaries of Lots No. 32, 33 and 34½, thence crossing West Haywood and proceeding along the south side of Spring Street to the intersection of Ratcliff Street, thence in a southerly direction along Ratcliff Street to the intersection with West Haywood Street, thence including Lots 138 and 139 on Ward 4, Sheet 4 in an easterly direction along the rear boundaries of Lots 137, 138, 138½, 60½, 60, 59½, 50 and 227 on Sheet 3, Ward 4, thence in a southerly direction along the west boundaries of 48½, 53, 54, 55 and 56½ to Clingman Avenue and thence in a northerly direction along Clingman Avenue to the point of Beginning.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 25 day of August, 1960.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 8 day of September, 1960, to become effective 23 day of September, 1960.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Preslar introduced resolution authorizing Mayor to execute quit-claim deed to W. G. Hollifield and wife, Georgia Ann Hollifield, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 43.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS INDENTURE, Made and entered into this the 8 day of September, 1960, by and between CITY OF ASHEVILLE, a municipal corporation, existing under and by virtue of the Laws of the State of North Carolina, party of the first part, and W. G. HOLLIFIELD and wife, GEORGIA ANN HOLLIFIELD, parties of the second part;

WHEREAS, the property hereinafter described was acquired by the Board of Financial Control through liquidation of collateral security owned entirely by Buncombe County; and

WHEREAS, the City of Asheville does not claim any interest in the property and by these presents desire to relinquish, convey and quitclaim any interest which it has or which it may appear to have because of the failure of these records in the office of the Register of Deeds for Buncombe County to reveal the true ownership of the property;

WITNESSETH: That, for and in consideration of the premises and the sum of Ten Dollars ($10.00), paid by the parties of the second part to the party of the first part, the receipt of which is hereby acknowledged, the said party of the first part has bargained, sold, conveyed, relinquished and quit-claimed and by these presents does bargain, sell, convey, relinquish and quit-claim unto the said parties of the second part, their heirs and assigns forever, all the right, title and interest of the party of the first part in and to that certain piece, parcel or lot of land, lying and being in Buncombe County, State of North Carolina, and more particularly described as follows:

In Ward Eight. BEGINNING at a stake in the Western margin of Plateau Road, which stake stands South 3 deg. 42' West 22 feet from the Southeastern corner of Lot 8 of Block "A" as shown on a plat of Bellarco recorded in the office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 14, at Page 22, and runs thence North 86 deg. 51' West 150 feet to a stake; thence North 3 deg. 42' East 172 feet to a stake, the Northwestern corner of Lot 10 of said Block and Plat; thence South 86 deg. 51' East 150 feet to a stake in said Western margin of Plateau Road; thence with said margin of said Road, South 3 deg. 42' West 172 feet to the place of BEGINNING, and being the Northern 22 feet of Lot 7 and all of Lots 8, 9 and 10 of Block "A" of Bellarco as shown on the plat hereinbefore referred to, and being the same property conveyed to W. G. Hollifield and wife, Georgia Ann Hollifield, by J. C. Lister and wife, Junie Frady Lister, by deed dated April 9th, 1959, and recorded in the office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 812, at Page 114, and being a portion of the property conveyed by Eugene Carland, Administrator of J. C. Penland, Deceased, to Elfreda S. Ware and Board of Financial Control of Buncombe County by deed dated May 21st, 1931 and recorded in said Register's office in Deed Book 442, at Page 44.

TO HAVE AND TO HOLD the above described land and premises together with all the rights and appurtenances, thereunto belonging, or in any wise appertaining, unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be signed by E. W. Eller, its Mayor, attested by Margaret Simmons, City Clerk, and its Corporate Seal to be hereunto affixed, this the day and year first above written.

ATTEST:

S/ Margaret Simmons
City Clerk
(Seal)

CITY OF ASHEVILLE

BY: S/ E. W. Eller
Mayor

STATE OF NORTH CAROLINA,
COUNTY OF BUNCOMBE

This the 8 day of September, 1960, personally appeared before me, a Notary Public, in and for the County of Buncombe, State of North Carolina, E. W. Eller, who by me duly sworn, says: That he is Mayor of the City of Asheville and that the Seal affixed to the foregoing and annexed deed is the Corporate Seal of said Corporation, and that said instrument was signed and sealed by him in behalf of said Corporation by authority duly given and the said E. W. Eller acknowledged said writing to be the act and deed of said Corporation.

WITNESS my hand and Notarial Seal this the 8 day of September, 1960.

My commission expires:
Dec. 16, 1960
(Seal)

S/ Lillian Ducker
Notary Public

[illegible] ASHEVILLE ASSOCIATION
[illegible] - REPORT OF CITY [illegible]

The City Manager advised the Council that the survey requested by the Central Asheville Association Committee had been completed, and introduced Mr. Robert Harroff of the City Engineering Department, who presented a report on the survey, including central business district values and other data requested.

Mr. Julian Woodcock, Chairman of the Committee, thanked Mr. Harroff and the Council for the tremendous amount of information provided in the survey, and stated that the committee now plans to call a meeting of all interested parties for the purpose of forming an association for central business district improvement.

[illegible] K H. DAVIS

Mr. Earl J. Fowler, attorney for Jack H. Davis and other Tax-payers of Buncombe County, presented a claim for sums paid by persons violating the Parking Meter Ordinance, which claim was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

NOTICE OF CLAIM

You will please take notice that the undersigned, Jack H. Davis, a tax-payer of Buncombe County, North Carolina, by and through Earl J. Fowler, his attorney, hereby files Notice of Claim against the City of Asheville; said claim being for the amount of funds received by the City of Asheville pursuant to the Parking Meter Ordinance of

1955, adopted by the City of Asheville, for sums paid by persons violating the Parking Meter Ordinance by parki overtime or parking in places where parking is not allowed, and for which violations the City of Asheville has been paid various sums from time to time and day to day, said sums being in the amount of TWENTY THOUSAND NINE HUNDRED AND SIXTY-EIGHT ($20,968.00) DOLLARS for the year 1957; TWENTY-THREE THOUSAND NINE HUNDRED AND FORTY-FI ($23,945.00) DOLLARS for the year 1958; and TWENTY-FOUR THOUSAND FOUR HUNDRED AND ONE ($24,401.00) DOLLARS for the year 1959; and all of such collections received by the City of Asheville during the year 1960, an amount which is unknown to the claimant as of this date; and as cause for this claim, your claimant shows unto the Honorable Mayor and City Council that pursuant to the Constitution of North Carolina the County School Fund is entitled to the receipt of said funds to be held for the use and benefit of and for the purpose of maintaining the free public schools in Buncombe County. Your claimant further states to the Honorable Mayor and City Council that all future collections received by the City of Asheville, as aforesaid, for the violation of said Parking Meter Ordinance should be turned over to the County Treasurer of Buncombe County monthly for the use and benefit of the public school fund of Buncombe County.

The undersigned claimant, therefore, respectfully presents its claim for said sums and respectfully requests the Honorable Mayor and City Council to direct the proper authorities to turn over all future collections as aforesaid to and for the use of the public school fund of Buncombe County.

This the 8th day of September, 1960.

S/ Earl J. Fowler
Earl J. Fowler, Attorney for
Jack H. Davis and other Tax-payers
of Buncombe County.

The City Manager presented the budget statement showing the budget position of the City of Asheville for the period ending August 31, 1960.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 15, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 15, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, C. M. Preslar, F. M. Mulvaney, T. B. Sumner, W. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of Sunset Mountain Company Property with suggested changes, except the termination of Cherokee Road which was suggested because the alignment as shown will result in a grade that is in excess of the maximum grade permitted in Ordinance 424. The developer has requested a variance for a short distance of Cherokee Road.

September 15, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Sunset Mountain Company Property, prepared by Mr. S. W. Huddleston, surveyor, for the Sunset Mountain Company, shows the subdivision of property on Sunset Mountain, directly above the Manor Grounds between Sunset Drive and Town Mountain Road.

The plat has been reviewed by this Commission at its regular meeting held on September 4, 1960, and approved provided that certain changes were made. The attached plat shows that all of the suggested changes have been effected except the termination of Cherokee Road. The Commission's reason for suggesting the termination of Cherokee Road is that the alignment as shown will result in a grade that is in excess of the maximum grade permitted in City Ordinance 424.

The developer's reason for requesting a variance is that this plat is the final stage of a development plan which was initiated before Ordinance 424 went into effect, and that the engineering and partial construction of improvements has been completed.

In accordance with City Ordinance 422, this variance, if authorized, is required to be entered in writing in the minutes of the City Council and the reasoning on which the departure was justified set forth.

Sincerely yours,

JRH:llh
Bn.As. - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director.

The Council discussed this matter, and Councilman Preslar moved that the plat and the variance be approved, the variance being approved for the reason that the development plan was initiated before Ordinance 424 went into effect and also the topography of the area is such that it appears that such grade is necessary, the motion was seconded by Councilman Algary and adopted by the Council, Councilman Morgan abstaining from voting.

Councilman Preslar introduced a resolution of the City Council of Asheville, North Carolina, approving undertaking of surveys and plans for an urban renewal project and filing of an amendatory application, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 44.

The City Manager presented the annual audit of the Sinking Fund Commission for Buncombe County for the period ending June 30, 1960.

Miss Fannie B. McCoy appeared before the Council and spoke in opposition to the Water Bond Election to be held October 4th, and recommended that excessive water overcharges be investigated.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, September 22, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 22, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, T. B. Sumner, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager recommended an amendment to the privilege license tax ordinance setting a new license scale for ice producing machines.

Following a discussion Councilman Mulvaney introduced Ordinance No. 438, being "AN ORDINANCE AMENDING ORDINANCE 429, BEING 'AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING MAY 31, 1961' RELATING TO ICE MACHINES AND ICE MANUFACTURERS OR DEALERS", which was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unanimously passed on first reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Preslar voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported the sale of the remaining $100,000 Airport Bonds, Second Series.

The City Manager reported that in compliance with the request of the City Council for a report on the proposal to lease the Asheville-Hendersonville Airport property that the Asheville-Hendersonville Airport Board had met and discussed this matter. It is the opinion of the Board that this property lends itself to industrial development, the Board feels that until industry showed an interest in the property that consideration should be given to leasing the property on an annual basis. The Board also recommended that since this property is owned by the three governmental units of City of Asheville, City of Hendersonville, and County of Henderson that negotiating authority should be given to a committee to be appointed by the said governmental units, in order that prospects would have someone with whom to negotiate.

Following a discussion, Councilman Morgan moved that the present members of the Asheville-Hendersonville Airport Board be appointed as a committee with negotiating authority for the sale or lease of the said airport property, with recommendations to be presented to the Council, and with the hope that Hendersonville and Henderson County will join in the meeting of this committee, which motion was seconded by Councilman Preslar and unanimously adopted.

The City Manager advised that the Chamber of Commerce and City of Asheville have jointly petitioned the Civil Aeronautics Board for an immediate hearing in the matter of the application of Eastern Air Lines, Inc. for extension of Asheville to Routes 5 and 6, Docket 10244, in order to provide better service to the new airport.

Councilman Morgan stressed the importance of the passage on October 4th of the proposed $4,500,000

bond issue for building a new 36-inch water line from North Fork Reservoir to the city. Councilman Morgan poi
ed that the proposed new line is a good investment, and that no tax increase will be needed to retire the wate
bonds, since both interest and principal payments can be made from water rates now in effect.

The City Manager stressed the industrial function by pointing out that Asheville's water sy
tem serves 113 separate industrial plants which use 43% of the present available water supply, and employ 16,50
persons.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CL

Thursday, September 29, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 29, 1960, at 4:00 o'clock P. M.
with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, C. M.
Preslar, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from Oliver Hoover requesting that Section II, Richmond Hill Pla
be admitted into the City of Asheville.

This matter was referred to the Corporation Counsel for preparation of ordinance.

A communication was received from Leo A. Bessette, Chairman of the Redevelopment Commission
of Asheville, enclosing copies of the highlights of the activities of the Commission for the twelve mo
period ending September, 1960.

Ordinance No. 438, being "AN ORDINANCE AMENDING ORDINANCE 429, BEING 'AN ORDINANCE LEVYING,
ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BE
NING JUNE 1, 1960 AND ENDING MAY 31, 1961' RELATING TO ICE MACHINES AND ICE MANUFACTURERS OR DEALERS", was, up
motion of Councilman Mulvaney, seconded by Councilman Preslar, unanimously passed on its second reading with th
following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Mr. John Newman appeared before the Council with a complaint that certain allegedly high wa
bills had not been satisfactorily explained, and this matter was referred to the City Manager for investigatio

The City Manager advised that the bond attorneys have requested that this meeting be adjourn
until October 5th at 10 o'clock A. M. for the purpose of canvassing the returns of the bond election, the Coun
to meet with the Municipal Board of Elections at said time.

Councilman Morgan moved that this meeting be adjourned until Wednesday, October 5, 1960, a
o'clock A. M., which motion was seconded by Councilman Preslar and unanimously adopted.

VICE-MAYOR

CITY CL

Wednesday, October 5, 1960 - 10:00 o'clock A. M.

The Council of the City of Asheville, North Carolina, met in adjourned regular session at t
City Hall, the usual place of meeting, at 10 o'clock, A.M., on October 5, 1960.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, W. F. Algary, C. M. Pr
lar, and T. B. Sumner.

Absent: F. M. Mulvaney and C. E. Morgan.

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

Councilman McRary introduced in written form the following resolution which was read:

RESOLUTION CANVASSING THE RETURNS
OF THE SPECIAL BOND ELECTION HELD
ON OCTOBER 4, 1960, AND DETERMINING
AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on October 4, 1960, in the City of
Asheville having been received from the proper election officers and having been canvassed, the Council has found
and determined and does hereby declare:

(a) That each registrar and judge for said election was duly qualified by law and had taken the
necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes
cast for and against the question submitted, but also the number of voters registered and qualified to vote in each
precinct in said election.

(c) That at said election there was submitted to the qualified voters of said City the following
question:

> Shall an ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of said City within and without the corporate limits of the City, including the construction and installation of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

(d) That no complaint has been made to the Council against the regularity of said election.

Section 2. That the following schedule correctly shows the designations of the precincts and the location of the polling places at which said election was held, the number of voters registered and qualified to vote in each such precinct, the number of votes cast in each precinct in favor of the question submitted, the number cast against said question and the totals of such numbers:

Precincts	Polling Places	Voters registered and qualified to vote	Question Submitted: Votes for	Question Submitted: Votes Against
1	Court House	747	267	17
2	William Randolph School	1669	496	93
3	Claxton School	2301	752	116
4	North Asheville Community Center	1698	672	71
5	Grace School	1450	510	110
6	Haw Creek School	1427	358	163
7	Newton School	1265	440	59
8	Biltmore School	467	137	21
9	Oakley School	848	175	120
10	Livingston Street School	1018	344	29
11	Aston Park	1068	446	46
12	Hall Fletcher School	797	335	57
13	Eugene Rankin School	974	311	70
14	Aycock School	719	168	44
15	Vance School	1594	431	146
16	West Asheville Community Center	1251	311	128
	Totals	19,293	6,153	1,290

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 19,293 voters were registered and qualified to vote.

(b) That at said election 6,153 votes were cast for the ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the waterworks system of said City within and without the corporate limits of the City, including the construction and installation of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1290 votes were cast against said ordinance, that a majority of the qualified voters of said City voting at said election voted in favor of said ordinance, and that said ordinance was duly approved and is in force and effect.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section [illegible] of this resolution, being a resolution directing administrative action, shall [illegible] effect immediately.

Approved as to Form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

Upon motion of Councilman McRary, seconded by Councilman Preslar, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON OCTOBER 4, 1960, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Ayes: Councilmen McRary, Algary, Preslar, Sumner, and Mayor Eller.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON OCTOBER 4, 1960, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signature of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the same.

Thereupon Councilman Preslar introduced in written form the following resolution which was [illegible]

RESOLUTION PROVIDING FOR THE RECORDING,
FILING AND PUBLICATION OF THE STATEMENT
OF THE RESULT OF THE SPECIAL BOND ELECTION
HELD ON OCTOBER 4, 1960.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on October 4, 1960:

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on October 4, 1960.

At a special bond election held in the City of Asheville on October 4, 1960, 19,293 votes were registered and qualified to vote.

At said election 6,153 votes were cast for the ordinance passed on August 18, 1960, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $4,500,000 for the purpose of providing funds for enlarging and extending the water works system of said City within and without the corporate limits of the City, including the construction and location of additional transmission mains and lines, the construction of an additional reservoir and the acquisition of necessary equipment, land and rights of way, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1,290 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

This statement is given by order of the City Council of the City of Asheville, this 5th day of October, 1960.

E. W. Eller
Mayor

J. W. McRary

W. F. Algary

C. M. Preslar

T. B. Sumner

Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement that is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

MARGARET SIMMONS
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Mayor

Approved as to form:

City Clerk

Corporation Counsel

Upon motion of Councilman Preslar, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON OCTOBER 4, 1960" was passed by the following vote:

Ayes: Councilmen McRary, Algary, Preslar, Sumner, and Mayor Eller.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON OCTOBER 4, 1960" was authenticated by the signature of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the same.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 13, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 13, 1960, at 4:00 o'clock P. M. with E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Assistant City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible]

Mr. Don C. Young, attorney for Mrs. Mattie Matthews, presented a claim for damages for personal injuries in the amount of $2,000.00, which was referred to the Corporation Counsel for investigation.

Asheville, N. C.
October 6, 1960.

To the Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Mrs. Mattie Matthews, of 76 Bellevere Road, Asheville, North Carolina, by and through her attorney Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the undersigned, Mrs. Mattie Matthews, at the time, place and manner hereinafter set out, to-wit:

1. DATE: Claimant was injured on the 12th day of July, 1960, about 1:45 o'clock, P. M.

2. PLACE: Claimant was injured on the sidewalk that extends through what is known as Pritchard Park from College Street to Patton Avenue.

3. MANNER OF INJURY INFLICTION: Claimant was on her way walking from College Street to Patton Avenue, on the sidewalk through Pritchard Park. A large number of people were on said sidewalk at the time and claimant was following closely behind some pedestrians, and other pedestrians were behind her, when she unexpectedly, and being unable to see the same, stepped into a hole in said sidewalk that had been there for a long period of time and is approximately four (4) inches long, three (3) inches wide, and two (2) inches deep.

4. CHARACTER OF INJURY: That the claimant was thrown violently to the pavement of said sidewalk and her left knee was seriously injured, required that she receive medical attention for a long period of time from a skilled orthepedic surgeon and that she has been seriously injured.

5. AMOUNT OF DAMAGE CLAIMED: That as a result of the negligence on the part of the City as aforesaid, claimant has been seriously injured and damaged in the sum of at least $2,000.00, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted this the day and year first above written.

Received October 6, 1960.
Margaret Simmons
City Clerk

Mrs. Mattie Matthews

By Don C. Young,
Attorney for Claimant

[illegible] - GEORGIANNA [illegible]

Harold T. Epps, attorney for Georgianna Bailey, presented a claim for damages for personal injuries in the amount of $2,000.00, which was referred to the Corporation Counsel for investigation.

[illegible] CAROLINA
[illegible] COUNTY

N O T I C E

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Georgianna Bailey, of Buncombe County, North Carolina, by and through her attorney, Harold T. Epps, pursuant to section 149 of the city charter of the City of Asheville, hereby claims and demands damages of City of Asheville, as the result of personal injuries sustained by her and property damage also sustained by her on the 1st day of August, 1960 when a motor vehicle owned by the city of Asheville and being operated by one of the city's employees in the scope of his employment in an unlawful, dangerous and negligent manner; and that as a result thereof the undersigned claimant received the following injuries:

Injuries were: a contrusion of the head; contrusion of the anterior chest wall; contrusion of the [illegible] and sprained spinal muscles; contrusion of the shoulder; and a whiplash injury of the neck.

That the above described accident resulted from the negligence of the city of Asheville acting through its agents, servants, or employee's; and that as a consequence of the negligence, the city has greatly damaged the undersigned claimant, temporarily destroyed her earning power, caused her to incur expenses for medical expenses, inconvenience, pain and suffering, in the sum of Two Thousand dollars ($2,000.00).

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her [illegible], and respectfully requests payment of same.

Received October 6, 1960
Margaret Simmons
City Clerk

Harold T. Epps
Attorney for Georgianna Bailey

DeVere C. Lentz, attorney for Walter Tison and wife, Exa J. Tison, and Mozelle B. Swain, w presented a petition requesting that a portion of Eliza Street extending from the western margin of Long Street i westerly direction for a distance of approximately 198 feet be closed.

In connection with the petition to close a portion of Eliza Street Councilman Algary intro a resolution providing for a public hearing on petition to close a section of Eliza Street in Ward 9, Asheville ship, Buncombe County, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously ed. The Council requested that all property owners involved be notified of this public hearing.

Complete resolution will be found in Resolution Book #4 at page 49.

A communication was received from the Planning and Zoning Commission recommending the rezo of certain property at French Broad Avenue and Hilliard Avenue from Residential RA-6 to Commercial.

October 5, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend for rezoning from Residential RA-6 to Commercial, the following described area:

Beginning at the Northeast corner of Hilliard Avenue and S. French Broad Avenue, being the Southwest corner of Lot 49, Sheet 2, Ward 4 of the Buncombe County Tax Maps, as now constituted, thence 150' along the Northern line of Hilliard Avenue, thence through Lot 49 in a Northerly direction to the Southeast corner of Lot 48, thence along the Southern line of Lot 48 to the Southwest corner of Lot 48, thence in a southerly direction along the Western lot line of Lot 49 to the point of Beginning.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

In connection with the above recommendation a petition signed by a number of property ow on South French Broad Avenue and Hilliard Avenue was presented protesting the rezoning of said property.

This matter was discussed by the Council, and in view of the additional information rece Councilman McRary moved that this request for rezoning be referred back to the Planning and Zoning Commission, property owners involved to be notified of the hearing to be held by the Commission, which motion was seconded Councilman Morgan and unanimously adopted.

Ordinance No. 438, being "AN ORDINANCE AMENDING ORDINANCE 429, BEING 'AN ORDINANCE LEVYI ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR GINNING JUNE 1, 1960 AND ENDING MAY 31, 1961' RELATING TO ICE MACHINES AND ICE MANUFACTURERS OR DEALERS", was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unanimously passed on its third and final ing with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 438

AN ORDINANCE AMENDING ORDINANCE 429, BEING "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENS PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING MAY 31, 1961" R ING TO ICE MACHINES AND ICE MANUFACTURERS OR DEALERS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Ordinance 429, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DE THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1960 AND ENDING 31, 1961", be and the same is hereby amended by eliminating from Section 15 of the appropriate ordinance, being nance 398 referred to therein, the classification "ICE MANUFACTURERS OR DEALERS" and in lieu thereof insert th sification:

ICE MANUFACTURERS, DEALERS OR MACHINES

Any person, firm or corporation manufacturing ice for resale purposes with a system or p for manufacturing ice, or with an automatic ice making machine, shall pay a license tax of, per annum:

(a) Automatic ice maker with rated capacity up to 2,000 pounds per day - - - - - - - - - -$ 25.00

(b) Automatic ice maker with rated capacity of 2001 pounds per day up to 5,000 pounds per day - 50.00

(c) Automatic ice maker with rated capacity over 5,000 pounds per day - - - - - - - - - - 100.00

NOT PRORATED

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final

I move the adoption of the foregoing ordinance, this 22 day of September, 1960.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved and adopted, this 13 day of October, 1960, to become effective 28 day of October,

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced a resolution authorizing Mayor to execute agreement with Southern way Company permitting City of Asheville to install two fire alarm wires across right of way, north of milepost W-2 Asheville and west of milepost W-1 near Biltmore, which was, upon motion of Councilman Mulvaney, seconded by Coun- McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 50.

THIS AGREEMENT, made this _____, 19____, between SOUTHERN RAILWAY COMPANY, a Vir- corporation, hereinafter styled Company; and CITY OF ASHEVILLE, North Carolina, a municipal corporation of North lina, hereinafter styled Licensee;

W I T N E S S E T H:

COMPANY grants unto Licensee, in so far as Company's title enables it so to do, the right or li- to construct and maintain 2 lines of fire alarm wires upon and across right of way or property (hereinafter called perty) and over the tracks of Company, one at a point 1334 feet north of Milepost W-2, at or near Asheville, North lina, and the other at a point 3822 feet west of Milepost W-1, at or near Biltmore, North Carolina, each of said lines to be attached to poles of Company; the aforementioned installation, and appurtenances if any, being herein- referred to as "Facility" and being located substantially as shown on prints of Drawings No. 20278, dated July 12, and 20288, dated July 28, 1960, hereunto annexed and made a part of this agreement.

THE PARTIES HERETO agree in consideration of said license as follows:

1. Licensee will install or construct, use and maintain Facility in such manner and condition Facility will not in any way interfere with the operation and maintenance of the railroad of Company, or endanger ons or property of Company, and in such installation or construction, use and maintenance agrees to comply with (a) and specifications (if any) referred to, shown or noted on said annexed print and such other specifications as may ably be prescribed by Company, (b) applicable rules and regulations prescribed therefor by statute or by proper mental authority, and (c) any applicable current specifications adopted by the Association of American Railroads far as they do not conflict with plans, specifications, rules or regulations mentioned in items (a) and (b) above. the present or future construction, maintenance, use or control of tracks, structures or property of Company shall make sary or advisable any change in location, grade, elevation or construction of Facility, Licensee will, upon written ce from Company, at Licensee's expense make such change in Facility as may be necessary to meet the requirements of pany for the purposes aforesaid, and thereafter maintain Facility hereunder in all other respects as herein provided.

2. If Licensee shall default in performing Licensee's agreements herein, or if Facility shall by m of improper maintenance or otherwise become a source of danger to, or be likely to interfere with, the railroad ations of Company, and Licensee shall not remedy such default, interference, or dangerous or improper condition with- days after notice by Company so to do, the license hereby granted may, at the expiration of such 30 day period, at ption of Company, be revoked, and Licensee shall, at the expense of Licensee, upon written notice by Company so to and in any event upon the termination of this agreement by either party if provision is hereafter made for such ter- tion, forthwith remove Facility from the property of Company and restore said property to condition existing prior to construction of Facility thereupon; or, in default thereof, Company may, at its election, take such action as is ne- pany to require removal of Facility by Licensee, or itself remove the same and restore the condition of said property the expense of Licensee; PROVIDED that in an emergency, necessitating in the judgment of the Superintendent of Company diate repairs to Facility, Licensee shall do the requisite work forthwith upon request of Company, or failing so to do, pany may itself make such repairs, but at the expense of Licensee.

3. Licensee shall be responsible for all loss of life, personal injury or property damage accru- from or attributable to the construction, maintenance, use or presence of the Facility upon property of Company, whe- resulting from negligence of Licensee, its agents or employees, or otherwise; and Licensee will protect and hold pany harmless from all such loss, injury or damage.

4. Licensee will pay, upon the execution and delivery of this agreement, the sum of none as a con- ution toward the engineering, legal and supervision expense incurred by Company.

5. This license is a personal privilege to Licensee and shall not be transferred or assigned by ee without the written consent of Company.

6. This agreement may be terminated by either party hereto at any time by 30 days' written notice ther of such termination.

IN WITNESS WHEREOF, the parties hereto have executed these presents as of the day and year first above written. Done in duplicate, each part being an original.

In presence of:

SOUTHERN RAILWAY COMPANY,
By

As to Company. Vice President

In presence of:

CITY OF ASHEVILLE, North Carolina
By

Margaret Simmons E. W. Eller
As to Licensee. City Clerk Mayor
(SEAL)

Councilman Morgan introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 51.

STANDARD FORM OF CONTRACT FOR AUDIT OF LOCAL GOVERNMENT UNITS

AGREEMENT, made this 1 day of October, 1960, in accordance with the requirements of the Public Laws of North Carolina, between JAMES E. ASHE of Asheville, North Carolina hereinafter known as the Party of the
(Accountant or Accountants)
First Part, and CITY COUNCIL OF CITY OF ASHEVILLE, NORTH CAROLINA, hereinafter known as the Party of the Second Part
(Governing Body) (Governmental Unit)

1. IT IS AGREED that the Party of the First Part shall conduct an audit of the accounts and records pertaining to the following funds and/or divisions of the Party of the Second Part: GENERAL CITY OPERATING, WATER OPERATING, SINKING FUNDS, CAPITAL FUNDS, AND REVOLVING FUND. for the period beginning July 1, 1960 and ending June 30, 1961 in accordance with the Standard Program of Audit Procedure which is hereby made a part of this contract. (Authority for elimination or variations from the Standard Program of Audit Procedure must be obtained from the Governmental Unit from the Director of Local Government, in writing, before a contract is executed, and such eliminations, when approved by the Director of Local Government, must be state hereunder or attached hereto with reference to the paragraph number designated in said Standard Program of Audit Procedure.)

2. Party of the First Part agrees that the services he has contracted to perform under this contract shall be rendered by or under the personal supervision of competent accountants who will faithfully perform their work with care and diligence and reports all irregularities, omissions and discrepancies in the accounts to the Party of the Second Part.

3. It is understood and agreed that should unusual conditions arise whereby the services of the Party of the First Part are necessary beyond the extent of the work contemplated and required under the Standard Program of Audit Procedure, such unusual conditions shall be referred to the Party of the Second Part who shall instruct said Party of the First Part concerning such additional services, which shall be subject to the approval of the Director of Local Government.

4. The audit shall be started as soon after this contract is executed and approved as is agreeable to the Parties hereto and shall be completed and a written report thereon rendered within a reasonable time after the close of the period covered by this contract. One copy of said report shall be filed with the Director of Local Government.

5. In consideration of the faithful performance of the conditions, covenants and undertakings herein set forth, the Party of the Second Part agrees to pay to the Party of the First Part upon approval by the Director of Local Government, a fee of TWO THOUSAND SIX HUNDRED ($2,600.00) DOLLARS

James E. Ashe, Certified Public Accountant
Party of the First Part

By James E. Ashe

City of Asheville
Party of the Second Part

By Weldon Weir
City Manager

Provision for the payment of the moneys to fall due under this agreement has been made by appropriation duly made or by bonds or notes duly authorized as required by the "County Fiscal Control Act."
"Municipal

Municipal Account of Asheville
North Carolina

The City Manager presented the statement showing the budget position of the city for the period ending September 31, 1960.

The City Manager advised that bond attorneys have approved the proceedings in regard to the water bonds, and that following a conference with Mr. Easterling of the Local Government Commission a report will be made to the Council in regard to future procedure.

Various traffic problems were discussed by the Council, and Councilman Algary suggested a study be made of the approaches to the McDowell Street viaduct, especially at the Vanderbilt Road intersection.

The City Manager advised that this matter would be given immediate attention.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 20, 1960 - 4:oo o'clock P. M.

The City Council met in regular session Thursday, October 20, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, F. M. Mulvaney, T. B. Sumner, C. E. Morgan, J. W. Algary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from J. Hart Snyder submitting his resignation as member of the Board of Adjustment created under Ordinance #322.

Councilman Morgan moved that this resignation be accepted with regrets and thanks for services rendered, which motion was duly seconded and unanimously adopted.

Councilman McRary introduced a resolution commending J. Hart Snyder for his service to the Board of Adjustment, and appointing G. Hobart Lee as his successor, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 52.

The City Manager presented a tentative schedule to accomplish several items of work in connection with the North Fork Transmission Line approved by the voters in the October 4, 1960 election.

TENTATIVE SCHEDULE TO ACCOMPLISH SEVERAL ITEMS OF WORK IN CONNECTION WITH THE NORTH FORK TRANSMISSION LINE APPROVED BY THE VOTERS IN THE OCTOBER 4, 1960 ELECTION

I Secure right of way and construction easements for the new line in contract form, with all contracts to be dated for closing on or before December 31, 1960.

II Design the line to include the necessary fittings to conform with acquired right of way, and advertise for bids for the necessary pipe and fittings to be delivered at the job.

Assuming the right of way work can be accomplished, bids should be requested for about December 1, 1960. Bid to be submitted in two parts, the first section to be for sufficient pipe and fittings to construct the line from the North Fork Lake to the Bee Tree junction, the second phase of the bid to include the furnishing of pipe and fittings from Bee Tree junction to in-town reservoir, including the 24" pipe that ties from the Haw Creek junction to the Biltmore area.

III Complete negotiations with the Local Government Commission to issue revenue anticipation notes to cover the cost of the above contracts and including estimated cost for labor and equipment.

If the above schedule is met, it is possible to complete the construction of the line from North Fork Lake to Bee Tree Junction by August, 1961. This will increase our supply of water to aid us in the critical year 1961, the final phase of the work to be completed by August, 1962.

Under this schedule it is anticipated that the $4,500,000 bond issue would be actually sold in August or September of 1961, at which time the revenue anticipation notes would be redeemed and the remaining bond funds to be used to complete the work between Bee Tree Junction and the in-town reservoir.

Under this plan the City Council would at all times have final authority to award contracts. The City Manager should be authorized to retain the services of a consulting engineer on technical questions that may arise in designing final plans for the construction of this facility.

Following a discussion, Councilman Algary moved that the above schedule be adopted, and that the City Manager be authorized to employ a consulting engineer for the project, which motion was seconded by Councilman Preslar and unanimously adopted.

The City Manager advised that the State Highway Commission will hold a hearing on Thursday of next week at 2:00 o'clock in the Council Chamber, and members of the Council are invited to attend.

Several members of a YMCA bantam-weight football team appeared before the Council as candy salesmen in a fund for building new YMCA facilities overseas.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 27, 1960 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, November 3, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 3, 1960, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition signed by a number of tenants of buildings on South Pack Square was received asking that suburban buses be required to park elsewhere while waiting for passengers.

This matter was referred to the Director of Public Safety.

A proposal from George Marshall to lease property from the City at the new airport for a fixed base operation was received.

PROPOSAL TO THE CITY OF ASHEVILLE
TO LEASE PROPERTY AT THE NEW ASHEVILLE AIRPORT
FOR FIXED BASE OPERATION

Proposal is hereby made to lease property from the City of Asheville located at the new Asheville Airport for a fixed base operation, proposal being made by George Marshall, trading and doing business as Aero service. Desired sight for this operation is a tract of land Five Hundred (500) feet in length by Two Hundred Sixty (260) feet in width, and being more particularly described as follows:

BEGINNING at a point, an iron pin, such point being 970 feet North 71 deg. 04' 40" East of the runway center line station, 66+25; thence running North 18 deg. 55' 20" West 500 feet to an iron pin; thence North 71 deg. 04" East 260 feet to an iron pin; thence South 18 deg. 55' 20" East 500 feet to an iron pin, the North edge of a right-of-way to the ramp; thence along the Northern boundary of the right-of-way, South 71 deg. 04' 40" West 260 feet to the point of BEGINNING.

Said fixed base operation would include major and minor air craft and engine repair and overhaul, air craft storage, the sale of air craft fuel and lubricating oils to operate air taxi and charter service and flight school, and other services connected with a fixed base operation that may be deemed necessary to further serve the flying public.

I further propose to lease said property for a period of twenty-five (25) years, and at the expiration of the said twenty-five (25) year period to have the option to lease said property for ten (10) one-year periods. At the end of the twenty-five (25) year period, all buildings and improvements on said property will become the property of the City of Asheville.

In return for use of said property, I propose to pay to the City of Asheville five per cent (5%) of the gross sales including income from sales of fuel and oil, income from hangar storage, maintenance, and air taxi, charter service and flight school. The amount of rent for the ten (10) one-year periods is to be determined by the City of Asheville.

S/ George Marshall
George Marshall
P. O. Box 33
Arden, N. C.

This matter was referred to the City Manager to develop further information and report back to Council.

In connection with the airport Councilman Algary suggested that the Metropolitan Planning Board should be requested to begin planning for development of the area adjoining the new airport.

A communication was received from the Planning and Zoning Commission recommending the approval of the property of Lucille G. Dillard and F. A. Gibbs, Jr. extending and joining Salem Avenue and Prospect Street.

November 3, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled property of Lucille G. Dillard and F. A. Gibbs, Jr., prepared by Carter and Bearden, Engineers, for Lucille G. Dillard and F. A. Gibbs, Jr., and dated September, 1960, shows the subdivision of property extending and joining Salem Avenue and Prospect Street.

The plat has been reviewed by this Commission at its regular meeting on September 7, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
IN AS - N 15.30

A communication was received from the Planning and Zoning Commission recommending the approval of [illegible] of Section "D", Imperial Woods.

November 3, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled Section "D", Imperial Woods prepared by Carter and Bearden, Engineers, for Rex Starnes and dated September 1, 1960, shows the subdivision of property extending and terminating Deanwood Circle. Deanwood Circle is adjacent to Hendersonville Road in the 1,000 Block.

The plat has been reviewed by this Commission at its regular meeting held on November 2, 1960. It is recommended that it be given your approva.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
IN AS - N 15.30

Councilman McRary moved that the above plats be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Preslar and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that approval of [illegible] of Parkway Forest Subdivision, Section Two, be withheld because there is not sufficient evidence that condition requiring additional street has been met.

November 3, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Parkway Forest Subdivision, Section Two, prepared by Thomas P. Heritage, Engineers, Inc., for Pilot Construction Company shows the subdivision of property in Oteen.

The plat has been reviewed by this Commission at its regular meeting on February 10, 1960. Approval was given to the complete general plan, of which this plat is a section, provided that certain conditions were met.

It is recommended that approval be withheld because there is not sufficient evidence that the following condition has been met:

"5. That although a reservation is made of the frontage on U. S. Highway #70, west of the Filling Station Site, and marked reserved on the map, the Commission recommends that provision be made, if not for immediate need, for future need of an additional standard street leading from U. S. Highway #70 southward into the development along the western line as indicated on the marked map."

Quotation from minutes of the Asheville Planning and Zoning Commission meeting on February 10, 1960.

Yours very truly,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
IN AS - N 15.30

This communication was received as information by the Council, and no action was taken because the action regarding the street had not been met.

Councilman Morgan introduced a resolution reappointing Robert F. Phillips as Commissioner Number Four of the Sinking Fund Commission for Buncombe County, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 53.

The following Resolution was introduced by Councilman W. F. Algary, seconded by Councilman C. M. Preslar, read in full, considered, and unanimously adopted:

Resolution accepting the Grant Offer dated November 1, 1960 made by the Administrator of Federal Aviation Agency on behalf of the United States of America to the City of Asheville in the sum of not to exceed $18,350.00, as an aid in the development of the Asheville Airport.

Be it Resolved by the City Council OF City of Asheville, of North Carolina:

Section 1. That the City of Asheville hereby accepts, on its own behalf, the offer of a grant of funds made by the Administrator of Federal Aviation Agency on behalf of the United States of America dated November 1, 1960 to the City of Asheville in the sum, for the purposes and subject to the conditions set forth below, and also specifically ratifies and adopts all statements, representations, warranties, covenants and agreements contained in the Project Application, referred to therein.

Section 2. That E. W. Eller, the Mayor, is hereby authorized and directed to execute the acceptance of the Grant Offer in quintuple on behalf of the City of Asheville and Margaret Simmons, the City Clerk, is hereby authorized and directed to impress the official seal of the City of Asheville, North Carolina and to attest said execution.

Section 3. That the Grant Offer referred to herein above is as follows and when accepted shall constitute the Grant Agreement:

Federal Aviation Agency
GRANT AGREEMENT
Part I-Offer

Date of Offer Nov 1 1960
Asheville Airport
Project No. 9-31-024-6105
Contract No. FA2-2011

TO: The City of Asheville, North Carolina
(herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Agency; herein referred to as the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated September 22, 1960, for a grant of Federal funds for a project for development of the Asheville Airport (herein called the "Airport"), together with plans and specifications for such project, which Project Application, as approved by the FAA is hereby incorporated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for development of the Airport (herein called the "Project") consisting of the following-described airport development:

Install lights for terminal apron; construct FAA engine generator building; construct access road. (The airport development to be accomplished, herein described, is in addition to that contemplated or accomplished under the Grant Agreements between the Sponsor and the United States for Projects Nos. 9-31-024-5801, 9-31-024-5902, 9-31-024-5903 and 9-31-024-6004.)

all as more particularly described in the property map and plans and specifications incorporated in the said Project Application;

NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of the Federal Airport Act, as amended (49 U.S.C. 1101), and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application, and its acceptance of this Offer as hereinafter provided, and the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the Airport as herein provided, THE FEDERAL AVIATION AGENCY, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share of the allowable costs incurred in accomplishing the Project, 50 per centum of all allowable project costs.

This Offer is made on and subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be $18,350.00.

2. The Sponsor shall:

   (a) begin accomplishment of the Project within sixty (60) days after acceptance of this Offer or such longer time as may be prescribed by the FAA, with failure to do so constituting just cause for termination of the obligations of the United States hereunder by the FAA;

   (b) carry out and complete the Project without undue delay and in accordance with the terms hereof, the Federal Airport Act, and Sections 550.7 and 550.8 of the Regulations of the Federal Aviation Agency (14 CFR 550) in effect as of the date of acceptance of this Offer; which Regulations are hereinafter referred to as the "Regulations".

   (c) carry out and complete the Project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or modified with the approval of the FAA, or his duly authorized representative.

3. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under Section 550.4(a) of the Regulations.

4. Payment of the United States' share of the allowable project costs will be made pursuant to and in accordance with the provisions of Section 550.9 of the Regulations. Final determination as to the allowability of the costs of the project will be made at the time of the final grant payment pursuant to Section 550.9(d) of the Regulations: Provided, that, in the event a semi-final grant payment is made pursuant to Section 550.9(c) of the Regulations, final determination as to the allowability of those costs to which such semi-final payment relates will be made at the time of such semi-final payment.

5. The Sponsor shall operate and maintain the Airport as provided in the Project Application incorporated herein.

6. The FAA reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.

7. This Offer shall expire and the United States shall not be obligated to pay any part of the costs of the Project unless this Offer has been accepted by the Sponsor on or before December 27, 1960 or such subsequent date as may be prescribed in writing by the FAA.

8. The maximum amounts of building space which the Sponsor shall be obligated to furnish civil agencies of the United States for the purposes and on the terms and conditions stated in paragraph 9 of Part III of the Project Application, shall be as set forth in the attached schedule of maximum space requirements which is incorporated herein and made a part hereof.

9. It is further understood and agreed that the terms "Regional Administrator" of the Federal Aviation Agency, Region 2" and "Regional Administrator", wherever they appear in the Project Application, Plans and Specifications, and any other documents constituting a part of said Grant Agreement, are changed to mean the Chief of the Facilities and Materiel Field Division No. 2 of the Federal Aviation Agency, or the Chief, Facilities and Materiel Field Division No. 2, as the case may be, and such documents and papers constituting part of this Grant Agreement shall be read as though so worded.

Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and said Offer and Acceptance shall comprise a Grant Agreement, as provided by the Federal Airport Act, constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty years from the date of said acceptance.

UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY

By W. E. Peterson
(Title)
Acting Chief, Facilities and Materiel Field
Division No. 2

Part II-Acceptance

The City of Asheville, North Carolina does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this 34d day of November, 1960.

CITY OF ASHEVILLE, NORTH CAROLINA
(Name of Sponsor)

(SEAL)

Attest: Margaret Simmons
Title: City Clerk

By E. W. Eller
Title Mayor

CERTIFICATE OF SPONSOR'S ATTORNEY

I, O. E. Starnes, Jr., acting as Attorney for City of Asheville, North Carolina (herein referred to as the "Sponsor") do hereby certify:

That I have examined the foregoing Grant Agreement and the proceedings taken by said Sponsor relating thereto, and find that the Acceptance thereof by said Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of North Carolina, and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Asheville, N. C. this _____ day of November, 1960.

Title Corporation Counsel

I move the adoption of the foregoing resolution.

W. F. Algary
COUNCILMAN

SECONDED BY: C. M. Preslar
COUNCILMAN

Read, approved and adopted, this 3rd day of November, 1960.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 54.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending September 30, 1960.

The City Manager advised that the Civil Aeronautics Board has denied the city's petition to expedite a hearing on Eastern Airline's petition to bring its service into Asheville.

The City Manager stated he felt the matter should be pressed as part of the continuing problem of getting better air service, and the Council requested that he explore the possibilities of appealing from this decision and report back to the Council.

Mr. Morris McGough presented an interesting film on the progress and development of rural com
nities, part of which was made in Buncombe County.

There being no further business, the meeting was, upon motion adjourned.

MAYOR

CITY C

Thursday, November 10, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 10, 1960, at 4:00 o'clock P. M. wi
Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, W. F. Algary, F. M. Mulvaney,
Sumner, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval
plat entitled "A Revised Plan of Section "D", Sulphur Springs Park".

November 10, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled, "A Revised Plan of Section "D", Sulphur Springs Park", prepared by Mr. John Field, Surveyor, for Money-Worth, Inc. and dated June 1960, shows the subdivision of property in the Deaverview Section of West Asheville.

The plat has been reviewed by this Commission at its regular meeting on November 2nd, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
Encl:
BN AS - N 15.30
cc: Mr. Anthony Redmond

Councilman Morgan moved that the above plat be approved by the Council in accordance with th
quirements of Ordinance #424, which motion was seconded by Councilman Preslar and unanimously adopted.

The Mayor announced that today is the date set for the public hearing on the petition to clos
section of Eliza Street in Ward 9, Asheville Township, Buncombe County, and that all parties in interest have
notified.

There being no objection to said closing, Councilman Morgan introduced a resolution authoriz
abandonment and closing and disclaiming any public interest in a section of Eliza Street, in Ward 9, Asheville
Township, Buncombe County, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, unani
adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 57.

Councilman Mulvaney introduced a resolution authorizing and directing Mayor and City Clerk t
execute a quit claim deed to C. P. Grimes, which was, upon motion of Councilman Mulvaney, seconded by Council
McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 58.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

THIS INDENTURE, Made this 10 day of November, 1960, by and between the City of Asheville, a m
cipal corporation organized and existing under and by virtue of the laws of the State of North Carolina, party
the first part and C. P. GRIMES, party of the second part;

W I T N E S S E T H:

That, whereas, the party of the second part is the owner of two parcels of land situate in Ha
Creek Ward and the City of Asheville conveyed to him by W. J. Leiman and wife by deed recorded in Deed Book 76
at page 445, Registry of Buncombe County, N. C.; and

WHEREAS, John Waters and wife, Anne Waters and William Waters, predecessors in title of the
described property, granted and conveyed to the City of Asheville two rights-of-way for the construction and

ance of gravity water supply lines, one right-of-way bearing date of December 17, 1920 and recorded in Deed Book
at page 168, Registry of Buncombe County, and the other bearing date of December 1, 1919 and duly recorded in
ed Book 234, page 409, Registry of Buncombe County, N. C.; and

WHEREAS, each of said rights-of-way provide that in the event the City of Asheville shall at any
e abandon said rights-of-way or in the event it has no use therefore for the purposes therein named, then and
h such events all right, title and interest, claims and demand of the City of Asheville in said rights-of-way
ll revert to and become vested in the said William Waters and John Waters and wife, Anne Waters, their heirs and
signs; and

WHEREAS, by mesne conveyances, C. P. Grimes has succeeded and now owns all the right, title and in-
erest of the said William Waters, John Waters and wife, Anne Waters; and

WHEREAS, the City of Asheville abandoned said rights-of-way many years ago and have removed any wa-
r lines theretofore constructed and installed in said rights-of-way, and does not intend to use the same at any
me in the future;

NOW, THEREFORE, the party of the first part for and in consideration of the premises and of the
m of One Dollar, receipt of which is hereby acknowledged, does hereby release, relinquish, quit claim and convey
nd by these presents has released, relinquished, quitclaimed and conveyed unto the party of the second part any
ght, title or interest that it may have in the rights-of-way above described and does hereby represent and declare
at it has heretofore abandoned such rights-of-way and never intends to use the same.

TO HAVE AND TO HOLD the rights-of-way and privileges above described, heretofore granted unto the
rty of the first part by William Waters, John Waters and wife, Anne Waters, unto the party of the second part, his
irs and assigns forever.

IN WITNESS WHEREOF, the City of Asheville has caused this instrument to be executed in its name by
s Mayor and attested by its Clerk as of the day and year first above written.

EST:

S/ Margaret Simmons
Clerk

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

TE OF NORTH CAROLINA
UNTY OF BUNCOMBE

I, Lillian Ducker, a Notary Public in and for the State and County aforesaid, do hereby certify
at Earl W. Eller is the Mayor of the City of Asheville, a municipal corporation, and that by authority duly given
d as the act of the City of Asheville, the foregoing instrument was signed in its name by him as Mayor, sealed with
s corporate seal and attested by Margaret Simmons, its Clerk.

Witness my hand and Notarial seal, this 10 day of November, 1960.

ommission Expires:
Dec. 16, 1960
(SEAL)

S/ Lillian Ducker
Notary Public

Councilman Algary introduced a resolution determining the percentage of bonded indebtedness of vari-
s water and sewer districts of Buncombe County to be assumed by the City of Asheville following annexation of por-
ons of said water and sewer districts, and explained that taxpayers in the affected areas no longer pay their former
istrict bond retirement tax, but are subject to the city's $1.53 ad valorem property levy. Whereupon, said resolution,
on motion of Councilman Algary, seconded by Councilman Sumner, was unanimously adopted.

OLUTION DETERMINING THE PERCENTAGE OF BONDED INDEBTEDNESS OF VARIOUS WATER AND SEWER DISTRICTS OF BUNCOMBE COUNTY
BE ASSUMED BY THE CITY OF ASHEVILLE FOLLOWING ANNEXATION OF PORTIONS OF SAID WATER AND SEWER DISTRICTS

WHEREAS, pursuant to the provisions of House Bill 1058 of the 1959 Session of the General Assembly of
rth Carolina, provision was made for annexation by the City of Asheville of portions of Buncombe County, portions of
ch area to be annexed included certain Water and Sewer Districts, Section 12 of said bill setting forth the method
determining the percentage of outstanding bonded indebtedness of said water and sewer districts to be assumed by the
y of Asheville; and

WHEREAS, the bonded indebtedness of the following Water and Sewer Districts affected hereby was in the
llowing amounts as of June 30, 1960, and the Mayor of the City of Asheville and Chairman of the Board of Commissioners
Buncombe County have computed the percentage of said bonded indebtedness of the various Water and Sewer Districts to
assumed by the City of Asheville as follows:

STRICTS

	BONDED INDEBTEDNESS	CITY'S PERCENTAGE
manna		
perdam	$ 897,000.00	23.7992%
ry Valley	272,000.00	39.8986%
th Buncombe	30,000.00	45.4659%
erview	184,000.00	16.7950%
t Biltmore	12,000.00	94.9056%
al	13,000.00	81.4316%
	24,000.00	31.2605%

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That from and after July 1, 1960 the City of Asheville, as provided in Section 12 of House Bill 1058,
by assumes, and shall be responsible for payment of, the percentages of the foregoing bonded indebtedness of the
ters Water and Sewer Districts referred to above, and shall pay to the Buncombe County Commissioners annually a sum
oney sufficient to pay said percentage of the principal and interest of said bonded indebtedness assumed by the City
Asheville.

I move the adoption of the foregoing resolution.

W. F. Algary
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 10 day of November, 1960.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 59.

The City Manager presented the statement showing the budget position for the City of Asheville the period ending October 31, 1960.

Mr. Carl A. Hyldburg, Jr., attorney for Pilot Construction Co., developer of Parkway Forest, peared before the Council to request approval of the plat of Section II of said development. Mr. Hyldburg adv the Council that the Planning and Zoning Commission's recommendation that a second street entrance be provide U. S. 70 from the development had been objected to by the State Highway Commission and authorities of the Blue Parkway on the grounds that it would create too many intersections in the area between the Oteen VA Hospital trance and the Blue Ridge Parkway intersection. Mr. Hyldburg further advised that it is the intention of the veloper to open a street connection with Browndale Road to the west either by purchasing intervening property a right-of-way across it. Mr. J. J. Tanahey, vice president of the Pilot firm, also spoke in behalf of said quest.

The Council discussed this matter, and following said discussion Councilman Morgan moved that matter be referred to the Planning and Zoning Commission with the request that they confer with the several mental agencies involved, including the Blue Ridge Parkway authorities and the State Highway and Public Works mission, to the end of working out a compatible solution to the problem; that the Planning and Zoning Commiss give immediate consideration to approving the said Section II, comprising 29 lots, with the single entrance, that the second entrance is to be required before Section III is given approval; and that a report be made to Council in order that it may consider this matter at its next regular meeting, which motion was seconded by C man McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, November 17, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 17, 1960, at 4:00 o'clock P. M. w Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, W. F. Algary, C. E. Morgan, J. W. McRary, Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approv Section Two, Parkway Forest Subdivision, provided that Lot 8 be excepted to provide for future access to the in case that the western access was found to be unobtainable.

November 17, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Parkway Forest Subdivision, Section Two, prepared by Thomas P. Heritage, Engineers Inc., for Pilot Construction Company shows the subdivision of property in Oteen.

At a special meeting on Thursday, November 17, 1960, the Commission took the following action:

It was moved, seconded, and unanimously passed that the Commission recommend that this plat be given approval provided that Lot 8 be excepted.

The reservation of Lot 8 would provide for future access to the North in case that the Western access was found to be unobtainable.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
BN AS-N 15.30
Encl:
cc: Mr. Anthony Redmond

Mr. J. J. Tanahey of the Pilot Construction Company was present at the meeting with his atto Carl A. Hyldburg, Jr., and suggested as an alternate proposal a connection with a county road near the river ever, Mr. Tanahey agreed to the exception of Lot 8 until such time as another access is obtained. Mr. James Coleman, Chairman of the Planning and Zoning Commission, and Mr. John R. Hampton, Planning Director, were al present to answer questions, and Mr. Hampton said highway officials have not objected to a second U. S. 70 i section in discussions with him of the project.

Following the discussion, Councilman Sumner moved that the plat be approved by the Council in ac- ance with the requirements of Ordinance #424, which motion was duly seconded and unanimously adopted.

Councilman McRary introduced a resolution appointing member of the City of Asheville Board of Alco- ic Control, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 60.

Councilman Morgan introduced a resolution authorizing Mayor to execute quit-claim deed to Jack Steppe wife, Barbara Steppe, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopt-

Complete copy of resolution will be found in Resolution Book #4 at page 61.

TE OF NORTH CAROLINA
NTY OF BUNCOMBE

THIS DEED made and entered into this the 17th day of November, 1960, by and between The City of Ashe- lle, a municipality, party of the first part, and Jack Steppe and wife, Barbara Steppe, parties of the second part:

W I T N E S S E T H:

That said party of the first part, for and in consideration of the sum of ten dollars to it in hand d, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release forever quitclaim unto the parties of the second part their heirs and assigns, all right, title, claim and interest the said party of the first part in and to a certain tract or parcel of land lying and being in the County of Buncombe State of North Carolina, in Asheville Township, and more particularly described as follows:

BEGINNING at a stake in the Southern margin of the Old Stevens Mill Road, the Northeast corner of the . Lyda lot, which is Lot No. 3 of the Faulkner-Kent Farms recorded in Plat Book 1 at page 13, Office of the Register Deeds for Buncombe County, North Carolina, and running thence with the Eastern line of the Lyda lot, South 40 deg. 10' t 386.7 feet to a stake; thence North 77 deg. East 320 feet to the Northwest corner of Lot No. 31 of Plat Book 1, page ; thence North 4 deg. 58' West 425 feet to a stake in the Southern margin of the Old Stevens Mill Road; thence with d margin crossing the branch, South 64 deg. 50' West 270 feet to the point of BEGINNING.

And being Lot No. 34 of a plat of Faulkner-Kent Farms, recorded in Plat Book 1, page 13, Office of the gister of Deeds for Buncombe County, North Carolina.

And being shown on the tax maps as Lot No. 163, Sheet 23, Biltmore Ward, and being the same property nveyed to Jack Steppe and wife, by E. M. Jarrett and wife, Deed Book 817, page 41.

TO HAVE AND TO HOLD the aforesaid tract of parcel of land and all privileges thereunto belonging unto e parties of the second part, their heirs and assigns free and discharged from all right, title, claim or interest of e said party of the first part or anyone claiming by, through or under them.

IN TESTIMONY WHEREOF, the party of the first part has caused this instrument to be executed by its per and attested by its Secretary all by proper resolution duly entered upon its minutes, as provided by law.

This the day and year first above written.

EST:

CITY OF ASHEVILLE

S/ Margaret Simmons
Margaret Simmons - Secretary
AL)

By S/ E. W. Eller
Earl W. Eller - Mayor

te of North Carolina
nty of Buncombe

I, Lillian Ducker, a Notary Public, in and for the above named County and State do hereby certify that l W. Eller, Mayor of the City of Asheville, personally appeared before me this day and acknowledged the due execution the foregoing quitclaim deed for the purposes therein expressed, and attested by Margaret Simmons, Secretary, and reto attaches the seal of City of Asheville to said deed.

Witness my hand and Notarial Seal this the 17 day of November, 1960.

commission expires:
ec. 16, 1960
AL)

S/ Lillian Ducker
Notary Public, Buncombe County, N. C.

Councilman Sumner discussed the Civil Defense organization, and stated he felt the public should be in- med that the Council had nothing to do with the recent resignation of General Arrowsmith as Director. Councilman Sum- r also suggested that the Sheriff's department and the Department of Public Safety could handle this matter.

The City Manager reviewed the organization of the Civil Defense operation, and advised that the city has financial responsibility in the matter.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, November 24, 1960 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY CLER

Thursday, December 1, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 1, 1960, at 4:00 o'clock P. M. w Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

NORTH FORK TRANSMISSION LINE -

Councilman Preslar introduced a resolution authorizing City Manager to advertise for bids f pipe, valves and fittings, and meters and chlorinators required for construction of the North Fork transmiss line, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 62.

Councilman Sumner introduced a resolution of notice that Council will consider extension o corporate limits to include certain territory, which was, upon motion of Councilman Sumner, seconded by Counc "reslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 63.

Councilman Algary introduced a resolution directing Mayor to execute a lease on behalf of t City with the United States of America relating to an underground cable to the Airport Traffic Control Tower the Asheville Airport property, which was upon motion of Councilman Algary, seconded by Councilman Mulvaney, mously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 64.

FEDERAL AVIATION AGENCY

Lease No. :
Cable Right-of-Way to
Remote Transmitter Site,
Asheville, North Carolina

LEASE

between

CITY OF ASHEVILLE

and

THE UNITED STATES OF AMERICA

1. This Lease, made and entered into this 1st day of December in the year one thousand nine hundred s SIXTY by and between CITY OF ASHEVILLE whose address is c/o Airport Manager, City Hall, Asheville, North Caro for itself, its administrators, successors, and assigns, hereinafter called the lessor, and the UNITED STATES AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the consideration hereinafter mentioned covenant and agree as foll

2. The lessor hereby leases to the Government the following described property, hereinafter called th premises, viz:

> The right and easement to excavate, bury and maintain an underground cable in a certain parcel or tract of land on the Asheville Airport between the Airport Traffic Control Tower and the boundary of the Airport, said cable to be installed substantially in accordance with that delineated on Drawing No. FW-E-4818-1, attached hereto and made a part hereof.

Together with a right-of-way for ingress and egress to and from the premises; a right-of-way or right way for establishing and maintaining a pole line or pole lines for extending electric power, and communicatio facilities to the premises; and rights-of-way for subsurface power, communication and water lines to the pre all rights-of-way to be over the said lands and adjoining lands of the lessor and, unless herein described b and bounds, to be by routes reasonably determined to be the most convenient to the Government:

And the right of grading, conditioning, installing drainage facilities, and seeding the soil of the p and the removal of all obstructions from the premises which may constitute a hindrance to the establishment maintenance of air navigation and telecommunications facilities.

And the right to make alterations, attach fixtures, and erect additions, structures, or signs, in or the premises hereby leased, which fixtures, additions, or structures so placed in or upon or attached to the premises shall be and remain the property of the Government and may be removed upon the termination of this or within 90 days thereafter by or on behalf of the Government, or its grantees or purchasers of said fixture additions, structures, or signs.

3. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning December 1, and ending with June 30, 1961.

The Government shall pay the lessor, for the premises, rent at the following rate One and No/100 Dollars ($1.00) for the initial term of this lease and all renewals thereof, the receipt and sufficiency of which are here- by acknowledged.

5. This lease may, at the option of the Government, be renewed from year to year upon the terms and condi- tions herein specified. The Government's option shall be deemed exercised and the lease renewed each year for one year unless the Government gives 30 days' notice that it will not exercise its option, before this lease or any re- newal thereof expires; PROVIDED, that no renewal thereof shall extend the period of occupancy of the premises beyond the 30th day of June 1980.

6. No Member of Congress or Resident Commissioner shall be admitted to any share or part of this lease or to any benefit to arise therefrom. Nothing, however, herein contained shall be construed to extend to any incorporated company, if the lease be for the general benefit of such corporation or company.

7. This lease is subject to the additional provisions which are set forth on the attachment, initialed by the parties hereto, and made a part hereof, identified as follows: The following words were deleted from this lease prior to signature by either party: From Article 1, "heirs, executors"; From Article 4, "for the term set forth in Article 3 above", "Payment shall be made at the end of . . . . without submission of invoices or vouchers"; From Article 5, "at an annual rental of $. . . and otherwise" ; "AND PROVIDED FURTHER, that adequate appropriations are available from year to year for the payment of rentals."

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above writ- ten.

If as the holder of a mortgage, dated _____, pages _____, against the above-described premises, the undersigned hereby consents to the foregoing lease and agrees that if, while the lease is in force, the mortgage is foreclosed, the foreclosure shall not void the lease.

None
Mortgagee

CITY OF ASHEVILLE

By: S/ E. W. Eller
Lessor

Title: Mayor

THE UNITED STATES OF AMERICA,

By_____

I, Margaret Simmons, certify that I am the City Clerk Secretary of the corporation named as Lessor in the at- tached lease; that E. W. Eller, who signed said lease on behalf of the Lessor, was then Mayor of said corporation; that said lease was duly signed for and in behalf of said corporation by authority of its governing body, and is with- in the scope of its corporate powers.

S/ Margaret Simmons (CORPORATE SEAL)

The City Manager recommended the establishment of a Department of Aviation, and announced the ap- pointment of William F. Wolcott, Jr. as Director and Kenneth G. Dacy as Superintendent. The City Manager further ad- vised that John C. Walker will assist in developing final plans for Metropolitan Sewage Disposal system and securing necessary agreements for the development of a new source of water supply for Asheville from National Park Service in the area known as the South Mills Watershed.

"It is recommended that a Department of Aviation be established under the City Charter plan of or- ganization, which will be charged with the administration of the new Asheville Airport and other related responsibi- lities, such as negotiating with the Federal Government for the release of the old A & H Airport so that funds may be received from the disposal of the old airport to pay for the over-run cost of the new facility. Federal regulations require that funds received by any municipality in disposing of an airport that was operating under Federal regulations be used for a new facility.

"So that the transfer of operations to the new facility can be accomplished in an orderly manner, it is to advise that William F. Wolcott, Jr., who has been associated with the construction of the new airport, will assume his new responsibilities as Director of the Asheville Airport, and Kenneth G. Dacy will serve as Superintendent of the new facility.

"In reviewing the proposed operation of the Asheville Airport it appears that income by the end of its first full year of operation will almost be sufficient to meet operating costs, and certainly within the three year period the airport will be on a better than break-even basis.

"Much is to be accomplished within the next six weeks in setting up an orderly schedule for operat- ing the new Asheville Airport for the first anticipated public carrier flights on January 15, 1961. For that reason in announcing the organization plan at this time. It is anticipated that all concessions will be in full operation by May, 1961.

"John C. Walker, under whose supervision the new facility has been constructed, will continue in full capacity until final acceptance has been made from the several contractors, which will probably be in April. Af- ter that time he will be attached to this office to assist in developing final plans for the Metropolitan Sewage Dis- posal system, and securing necessary agreements through the North Carolina Water Resources Commission to develop an engineering scheme to secure a new source of water supply for Asheville from the National Park Service in the area known as the South Mills Watershed."

Councilman Algary moved that the procedure as set up by the City Manager be followed, which motion was seconded by Councilman Preslar and unanimously adopted.

SHILOH SECTION -

The Reverend Douglas Robinson, chaplain at Oteen VA Hospital and a Shiloh resident, headed a dele- gation which presented a petition requesting annexation by the city of the Shiloh section south of the present city limits, which section is bounded by the present city limits at West Chapel Road on the north, Hendersonville Road on the west, Browntown Road on the south and Sweeten Creek Road on the east.

The City Manager advised that it would be necessary to prepare a metes and bounds description of the area and make a study of the request.

Councilman Mulvaney moved that the matter be referred to the City Manager for the preparation of a legal description of the area and development of facts in connection with the annexation, which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman Morgan advised that he had attended a meeting of the Central Asheville Association where the organizational setup of the local group was described and property owners and tenants urged to join and support the organization in its efforts to keep business in uptown Asheville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 8, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 8, 1960, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of plat of Kimberly Woods - Section 2.

December 8, 1960

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Kimberly Woods - Section 2 prepared by Carter and Bearden, Engineers, for Elmer Carter and dated December 9, 1960, shows the subdivision of property off Beaverdam Road, near the Lewis Memorial Cemetery.

The plat has been reviewed by this Commission at its regular meeting on April 6th, 1960. It is recommended that it be given your approval.

JRH:NS
Encl:
PN AS - N 15.30

Sincerely yours,

S/ John R. Hampton,
Planning Director

Councilman Sumner moved that the above plat be approved by the Council in accordance with requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

A communication was received from the Planning and Zoning Commission again recommending the zoning of certain property at French Broad Avenue and Hilliard Avenue from Residential RA-6 to Commercial.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend for rezoning from Residential RA-6 to Commercial, the following described area:

Beginning at the Northeast corner of Hilliard Avenue and S. French Broad Avenue, being the Southwest corner of Lot 49, Sheet 2, Ward 4 of the Buncombe County Tax Maps, as now constituted, thence 150' along the Northern line of Hilliard Avenue, thence through Lot 49 in a Northerly direction to the Southeast corner of Lot 48, thence along the Southern line of Lot 48 to the Southwest corner of Lot 48, thence in a Southerly direction along the Western lot line of Lot 49 to the point of Beginning.

AR:nr
Encl:

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Councilman Morgan moved that the above recommendation be accepted by the Council, and the Corporation Counsel be instructed to prepare an ordinance complying with said recommendation of the Planning Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on which motion was duly seconded and unanimously adopted.

A communication was received from Jack A. Crawford, Chairman of the Buncombe County Republican Executive Committee, submitting the names of Mrs. Kathleen Cole, Lovell Rhodes and Irvin Monk and requesting that the Republican member to the City Board of Elections be selected from this list.

A petition signed by a number of members of the Republican party was received recommending the appointment of Harry R. Logan as a member of the City Board of Elections.

The above were received as information by the Council.

Mr. Jack Crawford appeared before the Council to support the above written request, and Judge Guy Weaver, a member of the said Executive Committee also spoke in behalf of the recommendation.

The following resolution was offered by Councilman Preslar and seconded by Councilman Sumner and upon being put to a vote was unanimously carried:

WHEREAS, the State Highway Commission has expressed its intent to cooperate in the performance of thoroughfare planning studies between the North Carolina State Highway Commission and the City of Asheville, North Carolina, and the said plan is considered to be the most important for the proper development of the Highway system of the state and street system of the municipality for the safety and convenience of the traveling public; and

WHEREAS, in the plans and proposals of said agreement it is provided that this municipality co-operate with said Commission to the extent of:

(1) Participating in the costs and expense of thoroughfare planning studies to the extent of 50-50 cost sharing basis.

(2) Making available research materials, data, maps and other records of the municipality; to arrange meetings of the Planning Board and/or other municipal officials to review work carried out under this plan and to make such recommendations as are required.

NOW, THEREFORE, BE IT RESOLVED that the said agreement for the performance of thoroughfare planning studies between the State Highway Commission and the City of Asheville, North Carolina, be and it is hereby formally approved by the City Council of the municipality of Asheville, and that the Mayor and Clerk of said municipality be and they are hereby empowered to sign and execute the required agreement between this municipality and the State Highway Commission.

Complete copy of resolution will also be found in Resolution Book 4 at page 65.

AGREEMENT FOR THE PERFORMANCE
OF
THOROUGHFARE PLANNING STUDIES
BETWEEN
THE NORTH CAROLINA STATE HIGHWAY COMMISSION
AND THE
CITY OF ASHEVILLE, NORTH CAROLINA

THIS AGREEMENT, made and entered into this 7th day of December by and between the North Carolina State Highway Commission, hereinafter referred to as the Highway Commission, and the City of Asheville, North Carolina, hereinafter referred to as "the municipality."

WITNESSETH

THAT WHEREAS, Chapter 687 of the Session Laws of 1959 require that "the governing body of the municipality and the State Highway Commission shall reach an agreement as to which of the existing and proposed streets and highways included in the plan will be a part of the State Highway System and which streets will be a part of the municipal street system."; and

WHEREAS, the said Chapter 687 provides that "After completion and analysis of the plan, the plan may be adopted by both the governing body of the municipality and the State Highway Commission as the basis for future street and highway improvements in and around the municipality."; and

WHEREAS, the Highway Commission has authorized cooperative thoroughfare planning with municipalities on a 50-50 cost-sharing basis; and

Whereas, the municipality has requested the Highway Commission to provide such thoroughfare Planning services to the municipality; and

Whereas, the Highway Commission desires to cooperate with the municipality to the end that an adequate, long-range thoroughfare plan be produced to promote the proper development of the highway system of the state and street system of the municipality for the safety and convenience of the traveling public.

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

Section 1. That during the 12 month period beginning February 8, 1960, the Highway Commission will furnish necessary trained thoroughfare planning personnel who will make thoroughfare planning studies and assist in the development of a thoroughfare plan. The municipality agrees: to cooperate with the Highway Commission in every way in the conduct of this project and to make available research materials, data, maps and other records of the municipality; to arrange meetings of the planning board and/or other municipal officials to review work carried out under this Agreement and to make such recommendations as are required; and to appropriate and pay to the Highway Commission the municipality's proportional share of the cost of the project as hereinafter set forth.

Section 2. That the facilities and personnel provided by the Highway Commission shall be used to

assist in the development of the following thoroughfare planning work; all that work specified in the agreem made and entered into the 8th day of February, 1960 by and between the North Carolina State Highway Commissi and Wilbur Smith and Associates of Reynolds Station, Winston-Salem, North Carolina as modified by a supplem letter of agreement from Wilbur S. Smith to W. F. Babcock, Director of Highways, dated August 31, 1960. (Co of both documents are attached.)

The personnel designated by the Highway Commission shall participate in meetings and public hearings necess for the preparation of plans to be submitted for acceptance and adoption by the parties hereto provided such ings do not exceed more than one in any calendar month unless agreed to by the designated planning personnel the Director of the Highway Commission.

Section 3. For the purpose of providing the funds for carrying out this Agreement, it is stood that the municipality will pay the Highway Commission the sum of twenty-one thousand dollars to be paid follows: in one lump sum within six months of completion of the work specified herein.

Of the fifty-seven thousand dollar fee and publication expenses referred to in the agreem on the previous page fifteen thousand dollars will be borne exclusively by the Highway Commission for preli highway planning studies. Of the remaining forty-two thousand dollars one-half ($21,000) will be borne by t nicipality and one-half by the Highway Commission.

Section 4. Either party may terminate this Agreement by giving 30 days written notice to other party prior to the date of termination. Upon termination of this Agreement as herein provided, the ob tion of the Highway Commission to conduct and carry on the work, studies, research, and investigation, hereb provided for shall terminate. Any funds contributed and paid by the municipality to Highway Commission whi not been used or obligated shall be refunded to the municipality by the Highway Commission. In the event t municipality has not paid to the Highway Commission its full share of the cost incurred by the Highway Commi the municipality shall so do within 30 days of the date of termination as herein provided.

Section 5. It is understood and agreed by and between the parties hereto that this agree shall become effective upon approval by the governing body of the municipality and by the Highway Commissio shall continue until the terms of the agreement are fulfilled or until the agreement is terminated as herei vided.

Section 6. In witness whereof, the parties to this Agreement have been authorized by appr priate and proper resolutions to sign the same, the Highway Commission by its Director, and the municipality its Mayor, attested to by its Clerk, and the Corporate seal affixed, the day and year first above written.

ATTEST:

S Margaret Simmons
City Clerk (Seal)

8 of December, 1960

Approved as to Form and Legality

S. O. E. Starnes, Jr.
City Attorney

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

North Carolina State Highway Commissio

By _____
Director

Attorney General of North Carolina

Trial Attorney

Councilman McRary advised that a number of residents in the Hendersonville Road area had proached him in regard to opposing the annexation of the Shiloh area.

The City Manager stated that detailed maps of the area are now being prepared, and that opportunity will be given for public hearings.

A group of students from Hall Fletcher Junior High School visited the Council meeting. of the group advised the Council that there is no sidewalk on the east side of Wellington Street, which is versed by a number of the students going to and from school; that a petition for paving this sidewalk has b circulated, and that property owners along the street are willing to donate land for the sidewalk, but are able to finance the two-thirds of the cost as required by law. The group wondered if any other approach co be made to this problem.

Councilman Sumner suggested that the sidewalk be graded and gravelled, and the City Manag advised that property owners would be approached to see if they agreed to this improvement.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 15, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 15, 1960, at 4:00 o'clock P. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. A C. M. Preslar, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from D. B. Gray requesting that his property, being Lot 50, Sheet

ard 8, having approximately 500 feet frontage on the South side of U. S. Highway No. 70, at the Eastern intersec- on of Overbrook Road, be rezoned from residential to Wayside Business.

ORDINANCE - AMENDMENT

A letter was received from James M. Preston requesting that his property, being Lots 124 through heet 13, Ward 8, on the north side of U. S. Highway No. 70, be rezoned from residential to Wayside Business.

A letter was received from James M. Preston requesting a ruling from the Planning and Zoning Com- ission as to its interpretation of a dairy distributing office and refrigeration plant to be located on property oned as "Wayside Business".

The Council referred all of the above requests to the Planning and Zoning Commission for study nd recommendation.

Mr. Sanford Brown, attorney for Bertha Shook Rymer and William Thomas Rymer, presented a petition requesting the rezoning of Lots Nos. 44 through 52 as shown on Plat of Arco Gardens, along with such of the remainder of said property on said side of Highway No. 70 west of the intersection of Arco Road and Highway 70 that has not heretofore been classified or zoned as business use, be rezoned from residential classification to a business classi- fication.

The Council referred this request to the Planning and Zoning Commission for study and recommenda- tion.

Mr. Sanford Brown, attorney, presented a claim for damages in behalf of himself and his wife, ose Hildebrand Brown, in the amount of $38,500.00 as the result of the closing of Poplar Street at its intersection ith Woodfin Street at the West entrance to Beaucatcher Tunnel, which claim was referred to the Corporation Counsel.

ORTH CAROLINA
UNCOMBE COUNTY

NOTICE OF CLAIM

o the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Sanford W. Brown and his wife, Rose Hildebrand rown, as the owners of the following described pieces, parcels or tracts of land lying and being on the South side f Poplar Street at the West entrance to the Beaucatcher Tunnel in the City of Asheville, County of Buncombe, State f North Carolina, to-wit:

ne. BEGINNING at a point in the East margin of the old location of College Street near the Southwest point of the resent concrete abutment on the South side of the West entrance to Beaucatcher Tunnel in the City of Asheville, ounty of Buncombe, State of North Carolina and runs thence South 85 deg. 18' West, 30 feet; thence South 74 deg. 4' West 8.98 feet; thence South 69 deg. 14' West, 118.15 feet to a point in the South side of Poplar Street; thence outh 15 deg. 00' West 95.2 feet; thence South 74 deg. 00' West to the Northwest corner of Lot No. 6 as shown on the ereinafter referred to plat; thence South 4 deg. 15' East, 23.85 feet to the Northwest corner of Lot No. 7 as shown n said hereinafter referred to plat; thence with the North boundry line of said Lot No. 7 as shown on said plat North 71 deg. 34' East 165 feet, more or less to the Eastern margin of the old location of College Street as shown on said lat; thence with said Eastern margin of said old location of College Street as shown on said plat, 133.73 feet more r less to the beginning, and being Lots 2, 3, 6 and a portion of the old location of College Street as shown on that ertain plat recorded in Plat Book 24 at page 28 in the office of the Register of Deeds for Buncombe County, North arolina and a portion of the lands conveyed to Sanford W. Brown by Deed from the United States of America recorded n Deed Book 670 at page 497 of said registry and a portion of the lands conveyed to said Sanford W. Brown and wife y David S. Hildebrand and wife by deed recorded in Deed Book 639 at page 329 of said registry and also being a por- ion of the land conveyed to the said D. S. Hildebrand by Deed recorded in Deed Book 99 at page 327 of said registry.

wo. And as the owners of a one-half undivided interest in the following described piece, parcel or lot of land lying djacent to and on the West side of the hereinbefore described tract;

EGINNING at a stake in the Southern margin of Poplar Street, the Northeast corner of Lot No. 4 of the plat herein- fter referred to, and runs North 70 deg. 45' East 70 feet to a stake in said margin of said Street, the Northwest orner of Lot No. 6; thence South 15 deg. East, 109 feet to a stake in the North line of Lot No. 10 of said plat; hence South 74 deg. West 55 feet to a stake; thence North 23 deg. west 105 feet to the BEGINNING; Being Lot No. 5 f the Hildebrand Plat, which plat is recorded in the Office of the Register of Deeds for Buncombe County, North arolina, in Book of Plats and Deeds No. 154, on page 203 and the same lands conveyed to Arthur A. York and wife, irginia W. York and Sanford W. Brown, and wife Rose Hildebrand Brown by J. A. Patla, Substitute Trustee by Deed ated 3 Oct. 1950 and recorded in Deed Book 697 at page 363 in the Office of the Register of Deeds for Buncombe ounty, North Carolina and to which reference is hereby made for a more complete and particular description of said and.

hree. And as the owners of the following described piece, parcel or lot of land;

EGINNING at the point of the intersection of the south margin of Poplar Street with the east margin of Sanford W. rown Avenue as shown on the hereinafter referred to plat and running thence with said south margin of said Poplar treet North 69 deg. 14' East 38.04 feet; thence South 22 deg. 15' West 84.7 feet to a point in the North boundry ine of Lot No. 5 as shown on said plat; thence South 74 deg. 00' West 119.73 feet to a point in the east margin of aid Sanford W. Brown Avenue as shown on said plat; thence with said east margin of said avenue 26.59 feet; thence 0.92 feet to said beginning corner; and being Lot No. 1 as shown on that certain Plat of the Sanford W. Brown De- elopment recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 24 at age 28.

Pursuant to Section 149 of the City Charter of the City of Asheville, hereby claim and de
damages of the City of Asheville in the amount of Thirty-eight Thousand, Five Hundred Fifty ($38,550.00) Dol
as the result of the closing of said Poplar Street at its intersection with Woodfin Street at the West entr
to Beaucatcher Tunnel by the City of Asheville on Monday the 28th day of November, 1960, to all further vehi
travel over said Poplar Street in the City of Asheville, County of Buncombe, State of North Carolina.

The undersigned claimants, therefore, respectfully present their claim for said amount, a
respectfully request payment of same and in said connection, they do hereby respectfully refer you to the ca
of Hiatt vs. Greensboro, 201 N. C., 515; and to 29 C.J., page 547; and to 13 R.C.L. at page 71; and to 49 A.
at page 351.

S/ Sanford W. Brown

S/ Rose Hildebrand Brown
CLAIMANTS

Mr. Sanford Brown read a letter written to Senator Paul H. Douglas, Chairman of a Committ
seek relief for areas of chronic unemployment, and urged that Western North Carolina be included in the list
depressed areas.

The Council thanked Mr. Brown for his interest in this matter, and advised he was making
right approach.

Mr. James E. Civils, District Director for the National Safety Council, presented a repor
traffic safety activities in Asheville for the year 1959.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 22, 1960 - 4:00 o'clock

The City Council met in regular session Thursday, December 22, 1960, at 4:00 o'clock P.
with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, C. M. Preslar, J. W. McR
F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Ruby F. Young requesting that Lot 11, Sheet 17, Ward 2 be rez
from Residential to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommenda

The City Manager presented the audit report for the city for the period ending September

The City Manager presented the statement showing the budget position for the city for th
period ending November 30, 1960.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 29, 1960 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 29, 1960, at 4:00 o'clock P.
with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulv
C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager announced that this is the date set for the public hearing on the zoning
certain property at the intersection of Hilliard Avenue and South French Broad Avenue.

There being no objection to said amendment, Councilman Preslar introduced Ordinance No.
being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINA
PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, which was, upon motion of Councilman Presla
seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

Mr. Henry Fisher, attorney for Dorothy McKinney, administratrix of the estate of Louis McKinney,
presented a claim for damages for the death of Louis McKinney in the amount of $120,000.00, which was referred to
the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA :
COUNTY OF BUNCOMBE :

CLAIM: In re: Wrongful Death of
Louis McKinney, May 27, 1960.

Now comes DOROTHY McKINNEY, duly qualified and acting Administratrix of the estate of Louis
McKinney, late of Buncombe County, North Carolina, and who qualified for Administratrix of the estate of said
Louis McKinney on December 21, 1960 and, as the duly appointed legal representative of the said Louis McKinney,
gives this notice within the time provided by law.

You are hereby notified of the claim in the sum of ONE HUNDRED TWENTY THOUSAND ($120,000.00) DOL-
LARS and demand for payment thereof is hereby made for wrongful death of said Louis McKinney on May 27, 1960 by being
struck by an automobile, owned by the City of Asheville and operated by a duly authorized employee of the said City
of Asheville, to wit: Billy Joe Meredith.

Reply hereto is demanded within the time allowed by law.

Respectfully submitted.

S/ Henry C. Fisher
Henry C. Fisher,
Attorney of Record.

S/ Dorothy F. McKinney
Administratrix, Estate of
Louis McKinney

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

Subscribed and acknowledged before me this the 29th day of December, 1960.

My commission expires 9-22-61
(Seal)

S/ Sara A. Smithson
Notary Public

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 5, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 5, 1961, at 4:00 o'clock P. M. with
Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, C. M. Preslar, F. M. Mulvaney, J. W. McRary, T. B.
Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
Lot 11, Sheet 17, Ward 2

A communication was received from the Planning and Zoning Commission recommending that no change
be made in the zoning of Lot 11, Sheet 17, Ward 2.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

January 4, 1961

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the follow-
ing action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend that
Lot 11, Sheet 17, Ward 2, remain as it is now zoned.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
Encl:
BM AS - N 15.25
cc: Mr. Anthony Redmond

FRENCH BROAD DRIVE - OFFER OF
FARMERS COOPERATIVE EXCHANGE
INCORPORATED TO PURCHASE PROPERTY

An offer was received from the Farmers Cooperative Exchange Incorporated to purchase a 300 foot
frontage on the North-South Truck Route, Highway Nos. 25 and 70, and 200 feet on the rear, bordering the French Broad
River, for the sum of ten thousand dollars.

The City Manager advised that the procedure would be to draft a resolution directing that the
property be advertised for sale. Councilman Sumner suggested that the property be appraised.

Councilman Preslar moved that the City Manager be instructed to prepare resolution advertising
the property for sale, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Sumner moved that the property be appraised to determine its true valuation, and that
the City Manager have the appraisal made before the sale.

Councilman McRary suggested that a check be made to see if this property is involved in ... future use by the Highway Commission, and was advised by the City Manager that the property is not so involv...

Following the discussion, the Council directed the City Manager to procure an appraisal o... said property.

A claim for property damages in the amount of $14,000.00 was filed by Mrs. Helen Reynolds Lollis and Mrs. Sarah Reynolds Beatty, through their attorney Joe C. Reynolds, which claim was referred to the Corporation Counsel for investigation.

North Carolina
Buncombe County

Notice

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Mrs. Helen Reynolds Lollis and Mrs. Sara... Reynolds Beatty, of Buncombe County, North Carolina, by and through Joe C. Reynolds, their attorney, pursuant ... the city charter of the City of Asheville, hereby claim and demand damages of City of Asheville as the result ... property damage sustained by them on or about the 9th day of November, 1960, on their property located in Le... Hominy Township of Buncombe County, North Carolina, as follows:

On or about the 9th day of November, 1960, the Lake Ashanoka Dam broke and the waters flo... through the break in the said Lake Ashanoka Dam and did flood and damage the claimant's real property, which ... immediately below the Lake Ashanoka Dam, and whose property adjoins the Lake Ashanoka Dam and lies to the ri... of Ragsdale Creek as you travel down said Creek, said property being described in Deed Book 537 at Page 326 ... Office of Register of Deeds of Buncombe County; and that as a result of the breaking of said Lake Ashanoka Da... the undersigned claimants received the following damages:

1. Their fishing pond immediately below the Lake Ashanoka Dam was totally filled with s... and sand.

2. The barb-wire fences were destroyed and washed away.

3. Tons of rock and gravel were deposited on top of the claimants' farm land.

4. There was extensive erosion on the banks of Ragsdale Creek and the claimants' land w... washed away.

5. The creek-bed of Ragsdale Creek was blocked by debris and sand and rock, and the ch... of said Ragsdale Creek was diverted into the pasture lands because of debris and rocks and stone deposited i... original channel of said Ragsdale Creek.

6. That one to two feet of top soil was washed out from about three acres of the claim... farm land.

7. That huge trees were washed across and into said Ragsdale Creek.

8. That the claimants' hay field was covered with sand and destroyed and the hay field ... have to be plowed and resowed.

The dangerous conditions and circumstances which was the cause of the above described ab... resulted from the negligence of the City of Asheville; and, that, as a consequence of the negligence of the ... of Asheville in:

1. Negligently placing about an eighteen inch in diameter water main in the earth stru... of the said Lake Ashanoka Dam.

2. In placing in said Dam the said eighteen inch in diameter water main made of an infe... material, to-wit, cast iron when it should have been a steel pipe under the circumstances.

3. By negligently and wrongfully failing to inspect said water main to insure that it w... in a good and safe condition.

For negligently failing to maintain and to keep in good repair said water main in the D... said City has greatly damaged the undersigned claimants, in the sum of Fourteen Thousand ($14,000.00) Dollar...

The undersigned claimants, therefore, respectfully presents their claim for said amount, ... through his counsel, and respectfully requests payment of same.

Received December 29, 1960
4:30 P M

S/ Joe C. Reynolds
Attorney for the Claimants
27 December 1960

S/ Margaret Simmons
City Clerk

Ordinance No. 439, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BE... ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was ... motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its second reading with ... following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary introduced a resolution appointing a Municipal Board of Elections for a period of two years, and stated that Mr. Harry Logan, who has served as an extremely faithful member of the Board for the past fifteen years, is not included, and that in deference to the request of the Republican Executive Committee of Buncombe County that they be recognized, it being the first time such a request has been made, the Council is appointing Mr. Irwin Monk, one of the persons recommended by said Committee.

Councilman McRary stated that he had known Mr. Logan for many years, but that in deference to the request he felt that it should be complied with.

Councilman Algary requested that a letter of appreciation be written to Mr. Logan.

Following the discussion, said resolution was duly seconded, and unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 66.

The City Manager advised that today is the day set for the public hearing on the request of Oliver Hoover that certain of his property be annexed to the City of Asheville, and notice having been published as required by law, Councilman Morgan introduced Ordinance No. 440, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which ordinance was seconded by Councilman Mulvaney.

There being no objection, said ordinance was unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner brought up the question as to whether the City should annex this property, and the City Manager advised it had been investigated from an engineering standpoint and that it was feasible to render city services.

The City Manager advised the Council that an agreement had been reached with Chas. T. Main, Inc. to furnish consulting service in connection with the $4,500,000 North Fork Transmission main, and, in addition to consulting engineering services, to furnish construction management of the job. The City Manager further advised that in order to meet the construction schedule to have the first phase of the project completed by August, 1961 it will be necessary for the city to issue a bond anticipation note in the amount of $2,250,000 for the purpose of meeting obligations for this phase, and that he has requested the New York bond attorneys to draft the necessary proceedings to issue the said note. The note will be sold through the Local Government Commission in Raleigh, and after funds are received construction can begin.

The City Manager further advised that bids for materials have been received, are being reviewed and tabulated, and will be brought before the Council at an early date.

The Council welcomed a group from Mr. Lee's civics class at Hall Fletcher School.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 12, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 12, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The invocation was pronounced by the Reverend A. C. Draegert. Reverend Draegert advised the Council that in accordance with its request a member of the Ministerial Association of Buncombe County would be present at each Council meeting to render this service, and that a schedule would be forwarded the City Clerk.

The minutes of the previous meeting were read and approved.

An offer was received from the Beverly Realty Company, Agent, to purchase for the sum of $26,500 the tract known as Lot 61½, Sheet 15, Haw Creek Ward, which is the property purchased as an armory site by the City of Asheville and County of Buncombe.

The City Manager suggested that an understanding be developed with the County Commissioners with reference to the new armory now under construction, so that either the County or City would be in position to negotiate concerning this property.

Councilman Preslar moved that the City Manager be instructed to explore the matter with the County Commissioners and see what their interests are in the matter, and hold this offer until the accounts in the new Armory site are adjusted, which motion was seconded by Councilman Algary and unanimously adopted.

A petition was received from residents of Lakewood Road requesting that the name of this [illegible] be changed because of the similarity of this name with other streets in the City.

The City Manager advised that since the recent annexation this problem had arisen in connection with a number of streets, and suggested that this request and similar requests be handled as an administrative matter through the Engineering Department in cooperation with property owners.

Councilman Morgan moved that the City Manager be authorized to proceed in this manner, [illegible] motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 439, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BE[illegible] ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 439

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI[illegible] ING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN [illegible] DINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defi[illegible] in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described area be rezoned from Residential RA-6 to Commercial Distric[illegible]

Beginning at the Northeast corner of Hilliard Avenue and S. French Broad Avenue, being the Southwest corner of Lot 49, Sheet 2, Ward 4 of the Buncombe County Tax Maps, as now constituted, thence 150' along the northern line of Hilliard Avenue, thence through Lot 49 in a Northerly direction to the Southeast corner of Lot 48, thence along the Southern line of Lot 48 to the Southwest corner of Lot 48, thence in a south[illegible] direction along the Western lot line of Lot 49 to the point of beginning.

Section 2. That the office of the City Engineer is hereby authorized and directed to ma[illegible] the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinan[illegible] is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sen[illegible] tences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 29 day of December, 1960.

C. M. Preslar
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 12 day of January, 1961, to become effective 27 day of January, 1961.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Ordinance No. 440, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVI[illegible] BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 67.

Councilman Mulvaney introduced a resolution authorizing and directing Mayor and City Clerk to execute a lease agreement with various air lines, to-wit Capital Airlines, Inc., Piedmont Aviation, Inc. and Delta Air Lines, Inc., serving the Asheville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 68.
Complete copy of each lease will be found attached to original resolution.

Councilman Preslar introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with Harry's U-Drive-It Co., Inc., relating to rental car service at Asheville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 69.
Complete copy of lease will be found attached to original resolution.

Councilman Preslar introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with The Hertz Corporation, relating to rental car service at Asheville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 70.
Complete copy of lease will be found attached to original resolution.

Councilman Preslar introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with Blue Bird Taxi Company of Asheville, Inc., relating to rental car service at Asheville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 71.
Complete copy of lease will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with American Cab Company, Inc. relating to limousine service at Asheville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 72.
Complete copy of lease will be found attached to original resolution.

The City Manager presented the statement showing the budget position for the city for the period ending December 31, 1960.

The City Manager reported that the new 16" line on Sweeten Creek Road is now in service and that the reservoirs are full without the use of pumps, and that this has resulted in an improved flow of water in the South Buncombe area.

Councilman McRary reported that he had attended a meeting of property owners in the Lakewood Park area, at which meeting it had been brought out that the section of the Woodfin Water District which was annexed by the City is having to pay a double tax because of conditions that exist in said District, and stated that he had been requested to bring this matter before the Council.

The City Manager advised that the Woodfin Water District was not included in the debt-as-
sumption arrangement under the annexation act in which the city assumed the bonded indebtedness of the annexed
portions of the five county water districts and relieved the taxpayers of further levies for bond retirement
which were assumed by the city because the Woodfin District, unlike the other five, owns its own water supply.
In the other districts, city water was sold to customers through district-owned facilities.

The City Manager advised that with the Additional burden of the Woodfin water tax, the
property owners concerned are paying an ad valorem rate totaling $4.13, compared to the total property tax
rate of $3.89 per $100 valuation paid by all other city property owners. The regular total for city residents
includes the $2.11 county wide levy, the city's $1.53 levy, and for most the 25-cent Asheville School District
tax. Of a total property valuation of $6,400,000 in the Woodfin Water District approximately one-third was
included in the portion annexed by the city. The 24-cent district levy raises a total of $15,371 annually
toward retirement of the $285,000 district bonded debt, with some $5,000 of the yearly levy falling on taxpayers
now in the city.

The City Manager stated he felt this was an unfair situation, and suggested that the city
should assume payment of the $5,000 annual debt service in behalf of the Woodfin District city residents, and
since current tax bills have already been rendered, refunds could be worked out for those who have already paid
the district levy.

Councilman Sumner stated he felt it was fair to assume this obligation and moved that the
matter be referred to the City Manager to work out, which motion was seconded by Councilman Mulvaney.

Mayor Eller stated he felt the city should ask some concession such as turning over water
lines within city.

Councilman Algary suggested that the motion be changed to authorize the City Manager to
plore the problem with the Board of County Commissioners and the Sinking Fund Commission and see what can be
done, which amendment was accepted by Councilman Sumner and his second, and the motion as amended was unani-
mously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 19, 1961 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City
Hall, the usual place of meeting, at 4:00 o'clock P. M., on January 19, 1961.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W.
Algary, C. M. Preslar, T. B. Sumner, C. E. Morgan.

Absent: None

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A petition signed by a number of residents of the section of Buncombe County in Biltmore
precinct and contained within the boundaries of West Chapel Road, Sweeten Creek Road, Busbee Road and Forest
Street was received opposing the extension of the city limits over this territory at the present time.

This petition was accepted as information by the Council.

A claim was received from Adams & Adams, attorneys for Asheville Country Day School, Inc.
in the amount of $802.81, which was referred to the Corporation Counsel for investigation.

January 14, 1961

The Council of the City of Asheville
City Hall
Asheville, North Carolina

Re: Asheville Country Day School, Inc.

Dear Sirs:

This letter constitutes the claim, notice and demand of Asheville Country Day School, Inc., a nonp
corporation located at 1345 Hendersonville Road, Asheville, North Carolina, for damages arising out of an i
occuring on October 19, 1960. Asheville Country Day School, Inc. demands immediate payment to it of $802.8
such other and further damages which may have accrued to it as a result of the incident described below.

On October 19, 1960 the Water Department of the City of Asheville, without prior notice to the As
Country Day School or other users of City water in the area, caused the pressure in the main from which the
purchases and acquires its water to be materially and greatly increased with the result that the School's w
service line, designed to withstand a pressure of 150 lbs., was cracked and broken. We are advised that th
den increased pressure placed on the main line was something in excess of 200 lbs.

Expenses paid and liabilities incurred to date as the result of this action on the part of the Cl
are as follows:

Buncombe Construction Co.	$228.31
Abernathy-Redmon	26.25
Perry Alexander	56.00
Redmon Plumbing	155.00
B. S. Colburn, Jr.	337.25
	$802.81

It is the position of the School that the action of the City complained of was negligent, in that a prior
warning of the increased pressure would have enabled the School to install a pressure reducing valve at modest
cost, thereby preventing this mishap and the expenses and liabilities listed above.

It would be appreciated if you would give this matter your immediate attention, and advise us that the
claim which we are filing will be paid in due course.

Very truly yours,

ASHEVILLE COUNTRY DAY SCHOOL, INC.

By Junius B. Adams
Its Attorney and Vice President

JBA:BJ
Copy to Mr. O. E. Starnes, Jr., Corp. Counsel
of the City of Asheville
City Hall
Asheville, N. C.

Mr. Marshall M. Abell
Asheville Country Day School
1345 Hendersonville Road
Asheville, N. C.

A proposal was received from E. C. Burleson for leasing of an area below North Fork Dam for
gravel crushing operations at a royalty of seven and one-half cents per ton.

January 18, 1961

TO: MR. J. WELDON WEIR, CITY MANAGER, and the MEMBERS OF THE CITY COUNCIL of the CITY OF ASHEVILLE, NORTH CAROLINA:

The undersigned has been given to understand that there is approximately one million tons of gravel which is
suitable for commercial crushing and use, located in an area below the North Fork Dam, and which area is not presently
under lease to anyone desiring to conduct crushing operations thereon.

Having recently become associated with certain contractors who are experienced in rock and gravel crushing
operations, who have available financial resources, I wish to make the following proposal:

I propose to lease from the City of Asheville the area below the North Fork Dam not presently leased to
any other person, firm or corporation, as designated by the Engineering Department of the City of Asheville as being
suitable for rock crushing and stockpiling with the right and lease to remove and sell all gravel and rock in the
area which is designated. For this right, I offer to pay to the City of Asheville the price of 7 1/2¢ per ton,
scale weight, scales to be furnished by me and records acceptable to the City of Asheville to be kept on all gravel
crushing and removal. I am to be given such lease for a period of five years, during which I will be permitted to
remove, crush and stockpile all gravel in the area, the area to be cleared of all stockpiles by the expiration of
the five year period. I am to be permitted to construct and maintain such access roads in the area as I deem neces-
sary.

Settlement for all gravel removed will be made at the expiration of each calendar month on the price basis
above set forth.

I would also like to have, for lease purposes, any other area within the Asheville Watershed which con-
tains gravel in suitable commercial quantity and quality not presently under lease and which, in the opinion of the
City of Asheville, may be removed, crushed and stockpiled without violating good sanitary practices in connection
with the watershed.

I would appreciate hearing from the City of Asheville in regard to this proposal at your earliest con-
venience.

I will be prepared to commence operations immediately upon execution of the lease agreement.

Very truly yours,

S/ E. C. Burleson
E. C. BURLESON

The City Manager advised the Council that the area in question is immediately below the dam and
adjoins property already leased for which the city is receiving five cents per ton in royalty. The City Manager recom-
mended that engineering and other factors be investigated, and the Council requested that he develop this information
and report back to the Council.

Councilman Sumner suggested that perhaps gravel prices have adjusted upward, and Councilman Pres-
lar reminded the Council that in leasing the other property the lessee had agreed to leave the land in condition suit-
able to be utilized for recreational purposes, and suggested that any other lease should carry this same provision.

A communication was received from the Planning and Zoning Commission recommending that Lots 152,
153, 154 and 155 of Sheet 13, Ward 8, remain as they are now zoned.

January 19, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held Tuesday, January 17,
1961, the following action was taken on the attached letter and Amended Petition:

It was moved, seconded and unanimously passed that the Commission recommend that

Lots 152, 153, 154 and 155 of Sheet 13, Ward 8, remain as they are now zoned.

Sincerely yours,

JRH:nr
Encl:
BN AS - N 15.25
cc: Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton,
Planning Director.

This communication was accepted as a matter of information by the Council.

A communication was received from the Planning and Zoning Commission recommending that Lots 124 through 127, Sheet 13, Ward 8 be rezoned from Residential to Roadside Business Area.

January 19,1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held Tuesday, January 17, 1961, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 124 through 127, Sheet 13, Ward 8 be rezoned from Residential to Roadside Business Area.

JRH:nr
Encl:
BN AS - N 15.25
cc: Mr. Anthony Redmond

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

A communication was received from the Planning and Zoning Commission recommending that Lot 50, Sheet 15, Ward 8 be rezoned from Residential to Roadside Business Area.

January 19, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held Tuesday, January 17, 1961, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend that Lot 50, Sheet 15, Ward 8 be rezoned from Residential to Roadside Business Area.

JRH:nr
Encl:
BN AS - N 15.25
cc: Mr. Anthony Redmond

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

The above recommendations were accepted by the Council, and Councilman Morgan moved that the Corporation Counsel be instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on, which motion was seconded by Councilman Algary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of plat of Lynwood - Unit 2.

January 19, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of Lynnwood - Unit 2 prepared by Grover C. Haynes, Engineer, for the West Asheville Baptist Church shows the subdivision of property adjacent to Sulphur Springs Road in West Asheville. This piece of property is directly behind the West Asheville Baptist Church which fronts on Haywood Road.

The preliminary plat was reviewed by this Commission at its regular meeting on June 1, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
BN AS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 440, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 440

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper in Buncombe County with a general circulation in the City of Asheville describing by metes and bounds the territory to be annexed, thus notifying the owner or owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 5th day of January, 1961 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described; and

WHEREAS, Article 36 of Chapter 160 of the General Statutes of the State of North Carolina provides the authority and procedure for the extension of corporate limits such as herein done;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING at the N. W. corner of Lot No. 40, this point being on present city limit line and the South R/W margin of Thomas Drive; thence with said margin of Thomas Drive South 82 deg. 57' West 165.78 feet; thence North 15 deg. 07' West 60.61 feet across Thomas Drive to the southwest corner of Lot No. 52 and the east R/W margin of a road; thence North 15 deg. 07' West 80.21 feet to a stake in east R/W margin of road; thence North 22 deg. 02' West 117.93 feet to a stake in east R/W margin of road; thance North 82 deg. 57' East 239.6 feet to a stake in present city limit line, this point being common corner of Lots 50, 43, 44 and 45. Lot numbers referred to above are shown on plat recorded in Plat Book 30 and page 110.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Asheville, and shall be entitled to the same provisions and benefits as other parts of the City of Asheville, and the annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 5 day of January, 1961.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 19 day of January, 1961, to become effective 3 day of February, 1961.

E. W. Eller
Mayor

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
City Clerk

Councilman McRary introduced in written form the following resolution authorizing notes which

was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $2,250,000 WATER BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,500,000 Water Bonds was passed on August 18, 196 which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election held on October 4, 1960.

(b) That none of said bonds has been issued and that it is necessary to issue $2,250 notes in anticipation of the receipt of the proceeds of a like amount of said bonds.

Section 2. In order to anticipate the receipt of the proceeds of a like amount of said bonds the issuance of $2,250,000 negotiable notes of the City of Asheville, North Carolina, is hereby authorized which notes shall be designated "Water Bond Anticipation Notes", shall be dated February 9, 1961, shall mature November 9, 1961, without option of prior payment, and shall bear interest at a rate to be determined by the Government Commission at the time the notes are sold, not exceeding 6% per annum, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company and shall have such denomination or denominations and in such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes, and saidnotes shall have endorsed thereon the written approval of the Corporation Counsel. The form of said notes and the endorsements to be placed on said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Water Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 9th day of November, 1961, the principal sum of

_____DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at the _____, in _____, _____ in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of water bonds duly authorized by an ordinance passed by the Council of said City on August 18, 1960, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk, and the corporate seal of the City to be affixed hereto, all as of the 9th day of February, 1961.

E. W. Eller
Mayor

Margaret Simmons
City Clerk

The form and issuance of this note are hereby approved.

O. E. Starnes, Jr.
Corporation Counsel

(To be endorsed upon the reverse of notes)

Local Government Commission Serial No. .....

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By: _____
Designated Assistant

Section 4. The action of the City Manager in applying to the Local Government Commission to approve, advertise and sell said notes, and the action of the Local Government Commission in asking for sealed bids for said notes by publishing a sale notice and printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

O. E. Starnes, Jr.
Corporation Counsel

E. W. Eller
Mayor

Margaret Simmons
City Clerk

Upon motion of Councilman McRary, seconded by Councilman Morgan, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $2,250,000 WATER BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Preslar, Summer, Morgan and Mayor Eller.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $,250,000 WATER BOND ANTICIPATION NOTES" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Complete copy of resolution will also be found in Resolution Book 4, beginning at page 73 and ending at page 74.

In connection with the above resolution the City Manager advised that notice of sale of the above note would be advertised on January 20th, and that bids would be received in the office of the Local Government Commission in Raleigh on January 31, 1961.

The City Manager further advised that Chas. T. Main is now analyzing the bids for valves, fittings and chlorinating equipment, and their recommendation will be presented to the Council at its next meeting.

The City Manager further advised that following conferences between city engineers and those of the Main firm it has been decided that city work forces will carry out construction of the complicated line junctions at North Fork, Bee Tree and Haw Creek, since city personnel are already familiar with the lay-outs, and that construction of the straight-away sections of the line between junction areas will be let out on private contract, bids under this schedule to be advertised on February 3rd, 4th and 6th following action of Council authorizing advertisement on February 2nd, and bids to be received on February 20th.

The City Manager presented to the Council bids which were received for pipe, fittings and couplings for the water pipe line from North Fork Dam to city distribution points.

TABULATION OF PIPE BIDS RECEIVED DEC. 21, 1960

NOTE:

This tabulation is based on the following:

a. A common length of 70,800 feet of 36" pipe and 18,000 feet of 24" pipe.
b. Dresser couplings.
c. Pipe, fittings and couplings unloaded trenchside, except as noted.
d. The best bid of each bidder which meets "The Specifications".

Bidder	70,800 ft. 36" Pipe, Approx. Cost per Foot	18,000 ft. 24" Pipe, Approx. Cost per Foot	TOTAL	
Armco (Alternate)	$17.91	$10.36	$1,454,325	*
Bethlehem (Base)	18.50	11.70	1,520,400	
Cal-Metal (Alternate)	19.04	11.78	1,560,166	
Lock Joint (Base)	19.12	13.09	1,589,316	**
Silverman Company and Centriline Corp. (Base)	19.54	12.44	1,607,680	
American C.I. (Base)	30.14	16.06	2,422,992	***

* Does not include stated discount of 2% which we estimate may amount to approximately $26,000 if bills are paid in the specified periods.
** Does not include unloading fittings.
*** Does not include fittings.

CHAS. T. MAIN, INC.
129 West Trade Street
Charlotte, North Carolina

Councilman Preslar introduced a resolution authorizing and directing City Manager to execute contract with Armco Drainage and Metal Product, Inc. for water pipe line from North Fork Dam to city distributing points, which was, upon motion of Councilman Preslar, seconded by Councilman Summer, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 75.

Mr. William Styles, attorney for Bill Butler, appeared before the Council requesting that ... on property belonging to Mr. Butler adjoining the airport which have been damaged by tree cutting on the air... port property be repaired.

The City Manager advised that the man doing the timber cutting had been notified to correct this condition.

The Council discussed the matter of airline schedules at the new airport, and Councilman Preslar pointed out that there is a committee working on improving these schedules, which committee plans to spend a great deal of effort in this connection.

Councilman Algary stated that on May 1, 1960 The Times had a headline announcing that Carolina Power & Light Company planned to build a generating plant here, which announcement was made at the prodding of the Council. Councilman Algary further stated that last Tuesday's afternoon paper had a story that Carolina Power & Light Company announced setting aside $20,000,000 this year to build new generating facilities over the next five years, and the company has admitted that such facilities are needed. Councilman Algary thought it might be appropriate following this announcement for the Council to ask the City Manager to invite the said company to tell exactly what they are going to do. Councilman Algary stated that such coöperation would help promote the growth of this area, and if the building is to be done this year it would be a good idea for them to tell the Council about it, and if they are going to bypass this year the Council would like to know that too.

Councilman Algary also discussed an article concerning electricity and the development of turbine generators.

Councilman Sumner suggested that if the Carolina Power & Light Company isn't interested in developing power, maybe the Tennessee Valley Authority would be.

The City Manager advised that he would be glad to ask the officials of Carolina Power & Light Company if they were in a position to make public any information concerning this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 26, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 26, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, C. E. Morgan, W. F. Algary, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read, and, with a correction by Councilman Algary that the $20,000,000 set aside by the Carolina Power & Light Company for new generating facilities was for one year instead of the next five years, approved.

In connection with the discussion concerning the Carolina Power & Light Company the City Manager advised that Mr. L. V. Sutton, President of the company, had accepted the invitation of the Council to meet with them and would be present next Thursday at 3 o'clock for an informal conference, and would also attend the regular meeting of the Council to discuss plans for the construction of a proposed electric generating plant in the South Buncombe area.

The City Manager advised that the Citizens Committee for Smoke Abatement had recommended the re-appointment of Mr. Eugene Ochsenreiter and Mr. Clinton Minnich as members of the Advisory Board, and Councilman Mulvaney introduced a resolution appointing two members of Advisory Board as created under Ordinance #310, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 76.

The City Manager presented to the Council bids which were received for air valves, gate valves, and meters, venturi tubes, controls, and chlorinating equipment, together with recommendation of Chas. T. Main, Inc. for the awarding of bids.

COMPARISON OF BIDS TAKEN DEC. 21, 1960
AIR VALVES

Quantity	Description	Valve & Primer	Grinnell
40	Air Release - 2" - 250 psi	1040.00	1926.00
20	Air Release - 2" - 400 psi	1780.00	1840.00
8	Comb. Air & Vac. - 2" - 150 psi	520.00	436.56
4	Comb. Air & Vac. - 4" - 250 psi	556.00	449.40
		3,896.00	4,651.96

The Silverman-Centriline bid was for two items only on air valves and one of these items was for 150 psig instead of 250 psig. Therefore, we did not include them in this comparison.

COMPARISON OF BIDS TAKEN DEC. 21, 1960
VALVES

Bidder	
Darling Valve & Manuf. Company	$54,040.
Silverman-Centriline (Ludlow-Rensselaer)	54,319.
A. P. Smith Manufacturing Co.	58,531.
Grinnell Company	60,912.

The M & H Valve & Fittings Company bid was not complete enough to be directly comparable. However the individual items of their bid were higher than the low bidder so they were not competitive.

The bids received from Purser and Londaon, Chapman Valve Manufacturing Company, Henry Pratt Company and Colden Anderson Valve Specialty Company were for a limited number of items in each case, and these items were not competitive with the corresponding alternate items selected or did not meet the specified pressure requirements.

COMPARISON OF BIDS TAKEN DECEMBER 21, 1960

METERS, VENTURI TUBES, CONTROLS, CHLORINATING EQUIPMENT

Position of Bid	Bidder	Bid Price: Meters and Controls	Tubes	Chlorinating Equipment	Total
1	Silverman Company & Centriline Corp.	a.1472	9967	7345	18,784
2	Fischer & Porter Company	a.1569	10,767	7545	19,881
3	Burgess Manning Co. Penn Instruments Division and Wallace & Tiernan, Inc.	3920	b. 10,182	6702	20,804

Note: a. Bid price does not include line flow rate setters.
b. 24" tubes do not meet pressure requirements.

The B-I-F Industries, Inc. bid of $17,393 did not include a chlorine residual recorder.
The Hersey-Sparling Meter Company bid of $23,950 did not include chlorinating equipment.
Grinnell Company bid Hersey-Sparling meters, recorders and automatic rate selectors at $23,950.

The City Manager advised that it was his understanding that one of the companies who had bid would like to be heard, and Mr. Williams of the firm of Wallace & Tiernan stated that his company had bid on the chlorinating equipment in accordance with the specifications, that they were the low bidder, and felt that they had a legitimate objection to the recommendation of the engineers. Mr. Williams stated that his company had bid only on the chlorinating equipment, and it was noted that the call for bids did not specify that the three types of equipment must be bid on as a contract unit.

The City Manager recommended that the award be made for the Air valves and gate valves, and that the bids for meters and controls, venturi tubes and chlorinating equipment be referred back to Chas. T. Main, Inc. for further study and recommendation.

Following the discussion Councilman Algary introduced a resolution authorizing and directing City Manager to execute contracts with Valve and Primer Corporation for Air Valves, with Darling Valve & Manufacturing Company for gate valves, all in connection with supply main from North Fork dam to city distribution points, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 77.

The City Manager advised that today was the day set for the presentation of the study on local flood problems by the Tennessee Valley Authority and State Water Resources officials, but that due to weather conditions the said officials had not been able to reach the city, and that this presentation had been rescheduled for February 9th.

The City Manager further advised that members of the Metropolitan Planning Board had planned to be present for the presentation and have an informal discussion following the Council meeting with a representative of Sumner & Associates concerning the economic study of western North Carolina, and the City Manager suggested that the Council adjourn its meeting and meet informally with the said Board to carry out this discussion.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 2, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 2, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Mr. W. J. Hill, through his attorney W. Harold Sams, presented a claim for damages in the amount of $35,000.00, which was referred to the Corporation Counsel for investigation.

To: The Honorable Mayor and the Members of the City Council of the City of Asheville, North Carolina:

Please take notice that W. J. Hill, of Buncombe County, North Carolina, by and through Attorney W. Harold Sams, pursuant to the Charter of the City of Asheville, claims and demands damages in the amount of $35,000.00, which said damages was caused to his property adjacent to Sandhill Road located immediately below Lake Ashnoca Dam, in Lower Hominy Township, Buncombe County, North Carolina; said property being described in certain Deeds recorded in the Office of the Register of Deeds for Buncombe County in Deed Books 536, at Page [illegible] and Book 664, at Page 39.

The damages hereby demanded is for the destruction of fishing lake located on said property, along with attendant facilities connected therewith, the loss of fish from the lake, erosion of his other and for the loss of prospective earnings for fishing right fees, all caused by the neglegence of the city of Asheville in failing adequately maintain its 18 inch water main through the earthen section of the Lake Ashnoca Dam which said neglegence was the cause of, or one of the causes of the breaking of said Dam on November 9, 1960.

This 2nd. day of February, 1961.

W. Harold Sams
W. Harold Sams, Attorney for
Claimant

A communication was received from Eileen Cheek regarding her request for a permit to build servant's quarters on her property on Brucemont Circle, which request has been denied by the Building Inspector.

This matter was referred to the Planning and Zoning Commission for an interpretation of the law involved.

A communication was received from Hugh A. Penley requesting that his property on both sides of the Tunnel Road from the intersection of New Haw Creek Road to Holden's Motor Court be rezoned from Residential to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received from Mrs. Edna L. White requesting that Lots 57 and 58, Sheet 8, Ward 6, be rezoned from RA-6 to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lots 25½ and 28, Sheet 21, Ward 8 from Roadside Business Area to RA-6 Residential.

February 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held Wednesday, February 1st, 1961, it was moved, seconded and unanimously passed that the Commission recommend that Lots 25½ and 28, Sheet 21, Ward 8, be rezoned from Roadside Business Area to RA-6 Residential.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
Encl:
BN AS - N 15.25
cc: Mr. Anthony Redmond

The above recommendation was accepted by the Council, and Councilman Mulvaney moved that the Corporation Counsel be instructed to prepare ordinance complying with said recommendation of the Planning Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on which motion was seconded by Councilman Morgan and unanimously adopted.

Councilman McRary introduced a resolution authorizing and directing City Manager to

advertise for bids for the furnishing of all labor, plant, equipment, appliances and material, except pipe and valves, to construct a 36" water transmission line with all appurtenances from North Fork Dam to Haw Creek Junction, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 78.

SOUTHERN BELL TELEPHONE

Councilman Morgan introduced a resolution authorizing City Manager to execute permit for construction and maintenance of ten poles on Asheville Airport property along Buck Shoals Road by Southern Bell Telephone and Telegraph Company, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 79.

The City Manager advised that bids for chlorinating equipment for new transmission line, a contract on which was made by Wallace & Tiernan, are being studied by Chas. T. Main, Inc., and a report should be ready for the next meeting of the Council.

The City Manager presented the Annual Report of the Police Department for 1960.

Mr. L. V. Sutton, President of Carolina Power & Light Company, present at the invitation of the Council to discuss his company's plans, announced that the company plans to break ground early next year for a $[illegible],000,000 steam generating plant in the Skyland section, which plant would have a production capacity of 150,000 to [illegible],000 kilowatts and would probably go into operation in 1964. Mr. Sutton stated that this figure represented initial construction of a plant with a single generating unit, but that a total of four units is planned for eventually as demand requires the expansion.

Mr. Sutton advised that the Company has more than enough power to serve an expanding western North Carolina industry, and, in order to clear up any misunderstanding which has developed over shipment of power both into and out of the area, explained that in the 1930's construction of the Walters Dam generating plant, plus other area production, gave the company a total of 125,000 KW, but that during that period only one-third of the locally-produced power was needed here and the remainder was sold outside the area. However, industrial and other developments have steadily changed the power use ratio until at present all locally produced power is being used here and an additional forty-two per cent of the total consumption is brought in from outside companies, which shift has made it practical for the building of the new generating plant. Major enlargements of transmission lines and transformers have recently been completed not to bring in more outside power, but to prepare for shipping out surplus power when new plant is completed.

Mr. Sutton also discussed rates for domestic and commercial use, and stated it was his opinion that Western North Carolina had never lost a major new industry because of the Carolina Power & Light Company power rates.

Councilman Algary questioned Mr. Sutton on several points, and explained that his questions concerning the Carolina Power & Light Company construction plans and rates were based on the best information available. Mr. Algary thanked Mr. Sutton for coming up to clear the air, and for the company's expression of confidence in the future growth of Western North Carolina's economy.

Mayor Eller also thanked Mr. Sutton for appearing at the Council meeting and explaining his company's plans and policies.

The City Manager explained that it was necessary to cancel an earlier contract with Paul McMurray of A & H Flying Service since Mr. McMurray had incorporated the firm, and a new contract should be entered into to recognize this incorporation and to include guarantees for Gul Oil Co. as a financial participator.

Following a discussion Councilman Preslar introduced a resolution authorizing Mayor to execute contract of lease with A & H Flying Service, Inc., and rescinded previous lease dated February 23, 1960, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 80.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 9, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 9, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, J. W. McRary, T. B. Sumner, and R. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Stencel Aero Engineering Corporation made a proposal to lease a tract of land adjoining

the proposed future ramp area at the new City of Asheville Airport.

February 2, 1961

Mr. Weldon Weir
City Manager
Asheville, N. C.

Dear Weldon:

As general counsel and secretary of Stencel Aero Engineering Corporation I wish to make an offer o half of the corporation to lease a tract of land adjoining the proposed future ramp area at the new City of A ville Airport, the tract and the terms being particularly described and set forth as follows:

A. PROPERTY. Being that property shown on plat of the airport beginning at a point North 18 deg 20" West 500 feet from the intersection of the Northern edge of the right of way bordering the McMurray lease the North with the Eastern margin of the 70 foot strip between the property in question and the future ramp a and running thence with the Eastern margin of said 70 foot strip (designated as building line on plat) 500 fe and extending to the East to the Western margin of the strip of land marked, Future taxiway to ramp, contain 2.89 acres, more or less.

B. EASEMENTS. Together with the following easements and rights.

1. The City will agree to keep that area marked, future ramp area, reserved for ramp purposes

2. The City will agree to keep the 70 foot strip between the ramp area and the western margin the property above described as a right of way and the Lessees are to have the use of the same for the full l of the property in question southward to the taxiway North of the McMurray lease.

3. The 100 foot strip designated as future taxiway to ramp shall be kept for that purpose.

4. The Lessee will have full use for ingress and egress purposes of the strips of land refer to in 2 and 3 above.

5. The Lessee will have full use for ingress and egress over the road marked on the plat as a lic road from the point where it turns off the main entrance to the airport terminal northward to a point Eas the property above described.

6. The Lessee is to be granted a 20 foot easement running eastward from the property in quest to the public road at such location as may be agreed upon between the City and Lessee.

7. The Lessee will agree to permit the relocation of this easement once established, to suit convenience of the City, provided the same is done at the City's expense.

8. The City shall provide necessary sewer and water facilities and make the same available to edge of the property in question.

C. TERM. The term of the lease shall be 30 years beginning March 1, 1961 and ending February 28, The Lessee is to have the right to renew the lease for a period of 10 years.

D. RENTAL. The rental to be six per cent of the appraised value of the property. Appraisal to b made by Asheville Board of Realtors or a licensed, professional appraiser to be agreed upon.

E. USE BY LESSEE. The Lessee is engaged in research and development work and intends to use the p mises in connection with that work as well as the manufacturing and assembling of various products. Hangar s will be installed primarily for the company's planes; however, at such time as space is available and not in by the company's planes it is contemplated that such space will be rented and the company will maintain either fuel tanks or a tank truck for its own use and for casual sales.

F. BUILDING. The company has in mind initially constructing a building of approximately 8,000 sq feet; it will be glad to submit plans and specifications for approval by the airport authorities.

I would appreciate your giving me an answer on this proposal as soon as possible. We have tentati arrangements regarding the construction of the building and would like to proceed as soon as the lease is arr

Thanking you, I am

Very truly yours,

S/ Bob
Robertson Wall

RW/ac

This proposal was referred to the City Manager for study and report.

The City Manager announced that this is the date set for the public hearing on the a of certain property on U. S. Highway No. 70.

There being no objection to said amendment, Councilman Morgan introduced Ordinance N 441, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORD PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, onded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the Annual Report of the Fire Department for the year 19

The City Manager presented the statement showing the budget position of the city for the iod ending January 31, 1961.

Councilman Sumner discussed the matter of billboards along the expressway, and stated he would d to see an ordinance enacted prohibiting the erection of such billboards, or the property zoned so as to prohibit h billboards.

Upon motion of Councilman Morgan, seconded by Councilman Algary, and unanimously adopted this tter was referred to the Planning and Zoning Commission for study and recommendation.

Councilman McRary suggested that no further permits be issued until this matter is determined.

Colonel H. E. Brown, Director of the North Carolina Department of Water Resources, introduced . James E. Goddard, Chief Engineer of the Tennessee Valley Authority's Local Flood Relations Branch, who presented a port entitled "Floods on French Broad and Swannanoa Rivers - Vicinity of Asheville, North Carolina", as prepared by e Tennessee Valley Authority. Also present for the discussion was H. C. Wolfe, Chief of the State Division of Navi- ble Waterways.

It was brought out during the discussion that the TVA Report offers no specific plans for ution of Asheville's flood problems, but, when questioned by Councilman Algary as to what is the next step, Mr. God- rd stated in effect that it is economically feasible for Asheville to protect much of its flood plain area by levees d zoning control of industries, but that the long range answer is in a general flood control plan for the entire upper nch Broad River basin, which would require the cooperation of all counties and municipalities in the area.

Colonel Brown advised that the necessary first step would be for a regional body to request e State Department of Water Resources for a study, which would be made by TVA at an estimated cost to TVA of $200,000 r a two-year period.

The City Manager suggested that the Western North Carolina Regional Planning Commission is the gical body to initiate the action, and Mr. John Hampton, Planning Director, advised the Council that the problem will e discussed at a Commission meeting on March 7th in Brevard. Mr. Hampton stated that three counties and eight munici- lities in the French Broad Basin have been asked to join in seeking the study, and that favorable responses have been ceived from all but two of the municipalities.

Mayor Eller thanked Mr. Goddard and Colonel Brown for their most comprehensive study and ex- nations.

There being no further business, the meeting was upon motion adjourned.

Margaret Summons
CITY CLERK

Thursday, February 16, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 16, 1961, at 4:00 o'clock P. M. th Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, J. W. McRary, T. B. Sumner, C. M. eslar, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received signed by certain property owners requesting that Lots 140, 141, 277, 6, 267, and lots 104 through 109, Sheet 9, Ward 6, lying north of Haywood Road between Dunwell Avenue and Herron eet, be rezoned from RA-6 Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

DINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED', was, upon tion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the follow- g vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

...FOR L...SSION
...ORINATING EQUIPMENT,
...RI TUBE, TRANSMITTER AND
...VER - REPORT OF CHAS. T.
...

The City Manager advised the Council that Chas. T. Main had reviewed the bids received on the orinating equipment, venturi tubes, transmitters and receivers, and had now recommended the acceptance of the bid Wallace & Tiernan Incorporated for chlorinating equipment, including central alarm unit and chlorine flow recorder

in the amount of $6,702.00.

The said engineers further recommended that the bid of B-I-F Industries, Inc. on the 36" Venturi tube, transmitter and receiver at $6,180.00 be accepted, the package bids of Silverman Company and Fischer & Porter Company having been eliminated from the comparison.

The City Manager advised that only the Venturi tube, transmitter and receiver to be used at the North Fork site was considered at this time, since the equipment to be used at the Haw Creek junction is not scheduled for completion until August, 1962.

Mr. E. R. Kinney, representing Fischer & Porter Company appeared before the Council and advised that his company had bid on both chlorinating equipment and Venturi tubes, since they felt that this was the way the city would desire the equipment to be furnished, and that in the break-down of the bids they had been too high on the chlorinating equipment and too low on the Venturi tubes. However, his company felt that there was a conflict of interest in that Chas. T. Main had originally recommended that their package bid be accepted.

The City Manager advised that in the Information for Bidders it was stated: "The bidder shall have the option of bidding on only meters and Venturi tubes, or bidding on meters, tubes, electrical controls, recorder, and regulating valves controlled by his meters. The City would prefer a complete bid but must insist that the prices of the component parts be shown separately." And further "The bidder shall have the opportunity to bid a complete chlorinator installation unit."

Mr. Kinney stated that his company did not bid on simply one 36" Venturi tube and meter, and would like to ask that all bids be rejected and a readvertisement be made.

The City Manager stated that the job is under a close schedule, and that a readvertisement would delay completion, and urged that the bids be awarded as recommended by the engineers.

Councilman Sumner questioned Mr. Kinney as to whether his company could be held to its bid on Venturi tubes and equipment, and Mr. Kinney said it probably could legally, but that his company was interested in the package bid only and had asked to be eliminated from single items, and that it was the policy of his company not to accept contracts where more than 50% of the equipment was purchased outside.

Following the discussion Councilman Preslar introduced a resolution authorizing and directing City Manager to execute contract with B-I-F Industries, Inc. for 36" Venturi tube, transmitter and receiver in connection with supply main from North Fork dam to city distribution points, which was, upon motion of Councilman Preslar, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 81.

Councilman McRary introduced a resolution authorizing and directing City Manager to execute contract with Wallace & Tiernan Incorporated for chlorinating equipment in connection with supply main from North Fork Dam to city distribution points, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 82.

Councilman Sumner brought up the number of dilapidated houses and shacks in the city which should be torn down, stating that these houses were a health menace.

The City Manager advised that reports are made each month on sub-standard houses, and that probably most of these buildings have already been condemned as substandard, giving owners an option to bring them up to standard or remove them, the city having the power of removal if owners refuse to comply but has not exercised this power.

Councilman Algary read a prepared resolution urging that strong efforts be made to have the Veterans Administration designate Oteen as a regional medical center and that a complete new building program be instituted immediately designed to serve all types of illnesses, that the surgical program be expanded, and that a complete medical research center be developed in conjunction with this hospital.

"IS THE VETERANS ADMINISTRATION PLANNING TO
GRADUALLY STRANGLE OTEEN HOSPITAL OUT OF
EXISTENCE?

"This question is being asked in the light of what has taken place over the last eight years. In 1952, there were approximately 1690 people employed at this hospital. At the present, employment is down to 1050, a decrease of approximately 40%.

"Several years ago, the Veterans Administration announced that they proposed to close the Swannanoa Division, but if and when they did a multimillion dollar building program would immediately be underway at Oteen. Last year, the Swannanoa division was closed but, as yet, there has been no move made to begin construction as promised.

"Oteen is one of the oldest and, at one time, was one of the largest V. A. Hospitals in the country. Over the years, it has had a magnificent record in medical care for veterans from all over the Eastern United States. They have enjoyed good management and a very high type personnel at this hospital. Since 1946, under the able guidance of Dr. Murphy, new techniques in heart surgery have been developed at Oteen and which are now being used and taught throughout the world. Some extremely capable surgeons have been developed

here as, for instance, Dr. who was recently called to Washington.

"The Veterans Administration owns a wonderful piece of property at Oteen, representing several million dollars in real estate, utilities and many other improvements.

"The relationship between Oteen and Western North Carolina has been unusually good over the years. The Citizens of this county have shown their interest in the hospital and the patients there by their visits and the efforts of many organizations to help make patients feel not forgotten as sometimes happens in a good many areas.

"In spite of promises, in spite of a fine performance and the wonderful location, no money has been expended in enlarging or modernizing this fine hospital.

"There was a time when some complaint was made against the lack of proper transportation facilities. With a fine new Airport and with the coming of the interstate highway system, of which Asheville will be a focal point due to the intersection of two major interstate highways, transportation is not any more the problem.

"Oteen is strategically located to serve the two Carolinas, Virginia, Tennessee and Georgia.

"In the light of the above facts, I would propose that strong efforts be made to have the Veterans Administration designate Oteen as a regional medical center, that a complete new building program be instituted immediately, designed to serve all types of illnesses, that the surgical program which has performed so magnificently be fully expanded, and that a complete medical research center be developed in conjunction with this hospital. I fully believe that the above facts warrant this consideration for Oteen and this community. I believe it has earned this distinction.

"Certainly, this would not be a 7 million dollar or a 10 million dollar proposition, but more probably a 30 or 40 million dollar development.

"Mr. Sutton of the Industrial Council has done a fine job in developing the interest of our Senators from North Carolina and Congressmen as well. Congressman Taylor is, I know, vitally interested in this hospital.

"Mr. Mayor, I move that this Council instruct you and the City Management to bend all your efforts to get the leadership of all areas, both City and County, State, and National Officials aroused to the job at hand and to back Mr. Sutton and his efforts, and to bring the above proposition to a fruitful culmination with all speed.

"Buncombe County has been designated as an area of critical unemployment. In my opinion, it would be far better for the Government to make an investment for themselves in this area as outlined above and, at the same time, accomplish more for all concerned than to attempt some sort of dole.

I move you sir the adoption of this resolution."

Following a discussion, Councilman Algary's resolution was seconded by Councilman Mulvaney, and unanimously adopted by the Council.

The City Manager advised that he would be glad to assist in this and in coordinating efforts in this area, and Mayor Eller commended Councilman Algary for getting the matter started.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 23, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 23, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of plat entitled "Section 3, Kimberly Woods".

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled "Section 3, Kimberly Woods", prepared by Carter and Bearden, Engineers, for Elmer Carter and dated February 15th, 1961, shows the subdivision of real property in the Beaverdam area. Section 3 is adjacent and North of Section 2, which was approved and recorded on December 8th, 1960.

The plat has been reviewed by this Commission at its regular meeting on April 6th, 1960. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
Encl:
RN AS-N15,30
cc: Mr. Anthony Redmond
Carter & Bearden, Engineers

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary, and unanimously adopted.

Ordinance No. 441, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, ... ING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", ... upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final ... ing with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 441

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI... FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

...T IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as ... ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as ... ...ed in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to und... this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from Residential to Roadside Busines... Area:

Lot 50, Sheet 15, Ward 8
Lots 124, 125, 126, 127, Sheet 13, Ward 8

Section 2. That the office of the City Engineer is hereby authorized and directed t... make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this or... nance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining por... of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sectio... sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, ... tences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be an... are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from ... of final passage.

I move the adoption of the foregoing ordinance, this 9 day of February, 1961.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 23 day of February, 1961, to become effective 10 ... day of March, 1961.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager announced that this is the date set for the public hearing on the r... of certain property fronting on Shawnee Trail and backing on the Charlotte Highway.

There being no objection to said amendment, Councilman Mulvaney introduced Ordinance ... 442, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #332, KNOWN AS 'AN ORD... PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvan... seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

Mr. Charles Dent, Executive Director of the Redevelopment Commission of the City of ... ville, explained a proposed resolution authorizing filing of an amendatory application for an advance of fund... the United States of America to enable it to defray the cost of surveys and plans for the urban renewal proje... north of City-County Plaza.

The Council discussed this matter, and Councilman Preslar brought out the point that the ...ity at this time has no financial responsibility insofar as these funds are concerned. Following the discussion, ...ouncilman Preslar introduced a resolution of the City Council of Asheville, North Carolina, approving undertaking ...f surveys and plans for an urban renewal project and filing of an amendatory application, which was, upon motion ...f Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 83.

The City Manager presented the Substandard Building Report for the year 1960, which report ...owed that the city building inspector's office made 167 inspections and found 135 buildings to be below minimum ...ealth and safety standards, repairs were ordered on 96 buildings, repairs on 22 structures brought them up to stan... ...ard, 35 were razed voluntarily by owners, and 39 were condemned and closed to occupancy following failure to comply ...th orders. The City Manager advised the city has legal authority to raze such condemned structures, but to date ...as not exercised the authority, but the situation may be reaching the point where stringent action will be neces... ...ary.

Councilman Sumner suggested that individual owners be informed of FHA loans and other means ...f making repairs wherever possible.

The City Manager submitted a report on down-town off-street parking, indicating number of ...arking spaces and prevailing rates.

The City Manager reported that on Monday, February 20th, after due advertisement, bids ...were received for laying the new 36" transmission line from North Fork, which bids are now being reviewed by the ...engineers, and a recommendation will be presented to the Council at its next meeting.

Mr. Harold Bennett, attorney for M. B. G. Enterprises, Inc., operator of the Holiday Inn ...otel, presented a request for the rezoning of Lot 37, Sheet 11, Ward 8, and certain additional property located to ...the West thereof and adjacent thereto, to Roadside Business.

The Council referred this request to the Planning and Zoning Commission for study and ...recommendation.

There being no further business, the meeting was upon motion adjourned.

...AYOR

Margaret Simmons
CITY CLERK

Thursday, March 2, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 2, 1961, at 4:00 o'clock P. M. with ...ayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, W. F. Algary, T. B. Sumner, F. M. ...ulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

...NING ORDINANCE - AMENDMENT
...QUESTED (Patton Avenue west
...f Ann Street, T. D. Hunter, Jr.)

A request was received from T. D. Hunter, Jr. that his property on Patton Avenue just west ...of Ann Street between the Texaco Service Station and the Gray Bar Electric Co. with a frontage of 134.65 feet be re... ...ed from Business District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

...NING ORDINANCE - RECOMMENDATION
...M PLANNING AND ZONING COMMISSION
...B. G. Enterprises, Inc., opera...
...tor of Holiday Inn Motel)

A communication was received from the Planning and Zoning Commission recommending the rezon... ...of Lot 37, Sheet 11, Ward 8, and certain additional property located to the West thereof and adjacent thereto from ...RA-6 Residential to Roadside Business.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held Wednesday, March 1st, 1961, the following action was taken on the attached letter and Petition:

It was moved, seconded and unanimously passed that the Commission recommend that the property described below be rezoned from RA-6 Residential to Roadside Business Area.

BEGINNING at the Northwest corner of Lot 37, Sheet 11, Ward 8, as shown on the Buncombe County Tax Maps, as now constituted; thence South 73 degrees 40 minutes West, 99.20 feet to a stake; thence South 32 degrees, 24 minutes East, 194.24 feet to a stake; thence South 64 degrees, 45 minutes East, 234.32 feet to a stake; thence N. 49 degrees, 25 minutes East, 26.10 feet to a stake in the Southwest corner of said Lot 37; thence North 41 degrees 09 minutes West, 365.05 feet to the point of BEGINNING.

Sincerely yours,

JRH:nr
Encl:
BN-AS - N 15.25
cc: Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton
Planning Director.

In connection with the above Mr. Harold Bennett, attorney for M. B. G. Enterprises, Inc., appeared before the Council and raquested that when said ordinance is prepared if there is no opposition at the public hearing that said ordinance be passed on three readings on the same day.

The above recommendation was accepted by the Council, and Councilman Sumner moved that the Corporation Counsel be instructed to prepare ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held March 23, 1961, which motion was seconded by Councilman McRary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that Building Permits not be issued for accessory buildings where there exists no main building on a lot of record.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held Wednesday, March 1st, 1961, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Building Permits not be issued for accessory buildings where there exists no main building on a lot of record.

Sincerely yours,

JRH:nr
BN AS - N 15.25, 61-C
Encl:
cc: Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton,
Planning Director.

This recommendation was accepted as a matter of information.

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 57 and 58, Sheet 8, Ward 6 and adjoining properties.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held on March 1st, 1961, the following action was taken on the attached letter and Petition:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 57 & 58, Sheet 8, Ward 6, and adjoining properties, remain as they are now zoned.

Sincerely yours,

JRH:nr
Encl:
BN AS - N 15.25, 61-7
cc: Mr. Anthony Redmond

S/ John R. Hampton
John R. Hampton,
Planning Director.

This recommendation was accepted as a matter of information.

Ordinance No. 442, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

Councilman Sumner again brought up the matter of condemned substandard structures, and stated he would like for the Council to instruct the City Manager to take whatever legal proceedings are necessary to tear down buildings that have been condemned.

The matter of hardship cases was discussed, and the City Manager advised that each case would stand on its own and be brought to the Council for formal action, with an opportunity for the property owner to be heard on the matter.

Councilman Sumner stated that he understood from the paper that the Planning and Zoning Commission wished to make a further study of billboards in relation to the expressway, but that he thought the matter was of such importance that it should have immediate action, and therefore moved that the Corporation Counsel prepare an ordinance for the Council to consider at its next meeting eliminating large billboard types of advertising signs in the city except on property zoned as Industrial, signs on other property to be limited in size to eight-by-ten, or not more than eighty square feet on face of sign, with only one sign on a single piece of property, which motion was seconded by Councilman McRary, and unanimously adopted.

The City Manager stated consideration could be given to giving owners or lease holders of areas where billboard type signs are already in place a specified period to continue the nonconforming use, after which the billboards would have to be removed, with five years suggested as a period of grace allowing fair time for amortization of the advertising investment.

Councilman McRary said he felt signs in the restricted areas should be even smaller than the suggested eight-by-ten size, but would go along with Council preference in the matter.

The City Manager advised that at the sale of the property on Riverside Drive a bid was received from the Farmers Cooperative Exchange, Incorporated in conformity with their proposal, but that now said corporation wished to purchase a different piece of property on Riverside Drive, and that it would be in order for the Council to reject the bid for said property heretofore advertised.

Councilman Mulvaney moved that the bid of Farmers Cooperative Exchange, Incorporated for property on Riverside Drive as heretofore advertised be rejected, which motion was seconded by Councilman Preslar and unanimously adopted.

The City Manager advised that the Farmers Cooperative Exchange, Incorporated has made an offer of $50.00 per front foot for a new location on Riverside Drive adjacent to the property heretofore advertised, which offer meets the appraisal made of the properties on Riverside Drive.

Whereupon Councilman Mulvaney introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 84.

The City Manager presented to the Council bids which were received on February 20, 1961 for construction of North Fork Supply Main from a point about 3200 feet below North Fork Dam to Bee Tree Junction, together with the recommendation of Chas. T. Main, Inc. for the awarding of the bid.

City of Asheville

Comparison of Bids taken February 20, 1961

Construction of North Fork Supply Main from a point about 3200 feet below North Fork Dam to Bee Tree Junction

Position of Bid	Bidder	Time Days	Total Bid
1	C.F.W. Construction Co., Fayetteville, Tenn.	120	$214,876.
2	Cherokee, Inc., Columbia, S. C.	161	248,260.
3	Boyd & Goforth; Blythe Bros., Charlotte, N. C.	150	256,400.
4	A. H. Guion & Co., Inc., Charlotte, N. C.	150	262,100.
5	Ray D. Lowder, Inc., Albemarle, N. C.	150	264,200.
6	Asheville Contracting Co., Asheville, N. C.	160	267,610.
7	G. E. Moore Co., Inc., Greenwood, S. C.	150	269,950.
8	Wright Contracting Co., Columbus, Ga.	140	271,145.
9	Howard Construction Co., Greensboro, N. C.	160	283,250.
10	Chas. F. Smith & Son, Inc. Kennett Square, Penna.	153	294,350.
11	Construction Service Co., Bound Brook, N. J.	165	307,050.
12	C. O. Osborn Contracting Co., Birmingham, Ala.	132	315,265.

Councilman Preslar introduced resolution authorizing and directing City Manager to execute contract with C. F. W. Construction Co., Inc. for construction of Phase 1 of North Fork Supply Main, which was, upon

motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 85.

Mayor Eller, on behalf of Dr. E. H. Blackard, Pastor of Central Methodist Church, ex- tended an invitation to the Council to attend the lenten services at said church on Thursday, March 16th, at which time Bishop Arthur Moore would be the speaker.

Councilman McRary stated he had been requested to bring before the Council the matter of the deterioration of the books in the Sondley Reference Library and the rebinding of said valuable books if possible.

Mayor Eller said he thought the request should be made to the Library Board, and Coun- man McRary advised that the matter had been taken up with library authorities who stated funds were not avail for this purpose.

The City Manager advised he would take the matter up with the Library authorities and see what could be worked out.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 9, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 9, 1961, at 4:00 o'clock P. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. McR C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Civil Service Board submitting for approval of the Council the following amendment:

"That the word Six months in Line 2 of said Rule 12 be stricken out and inserted in lieu thereof the word Twelve months."

The City Manager advised that the above amendment had been unanimously recommended b the administrative heads in addition to the Civil Service Board.

Councilman McRary moved that the above amendment be approved, which motion was secon by Councilman Preslar and unanimously adopted.

A request was received from Z. R. Sheppard that his property on Haywood Road be rezo from Business District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recom tion.

Ordinance No. 442, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, ING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final ing with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Preslar voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 442

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known a ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follow

(Lots hereinafter referred to under this section shall mean Lots of Record and be a fined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to un this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from Roadside Business Area to RA-6 Residential:

Lots 25½ and 28, Sheet 21, Ward 8

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this or- dinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby re- pealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final pas- age.

I move the adoption of the foregoing ordinance, this 23 day of February, 1961.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 9 day of March, 1961, to become effective 24 day of March, 1961.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that the ordinance relating to outdoor advertising had been prepared by the Corporation Counsel as instructed, and further that Mr. Starnes had pointed out that Ordinance #322, the original zoning ordinance, requires that the Planning and Zoning Commission make recommendations and report to the City Council where amendments are being considered.

Mr. S. L. Coker, local manager for General Outdoor Advertising Company, made a brief statement in which he said his firm shares the interest in maintaining Asheville's physical attractiveness, and will continue to adhere to future regulations as it has to those in the past. Mr. Coker further stated his firm is willing to accept a permit moratorium until the regulatory amendment has been acted upon through due process.

Councilman Preslar stated that in view of the above that he moved that the ordinance prepared by the Corporation Counsel for consideration of the City Council be referred to the Planning and Zoning Commission for their consideration, and that the Commission be requested to consider the same along with other factors bearing on the mat- ter and submit their recommendation to the Council after full deliberation. And further that the City Manager be di- rected not to issue any further building permits relating to signs or billboards until the recommendations of the Planning and Zoning Commission have been received by this Council.

Councilman Sumner suggested an amendment to the motion that the Planning and Zoning Commission take into consideration the creation of a new zoning district starting at the tunnel and following the expressway in or- der that an ordinance might be passed for the expressway and not for the whole city, which amendment was accepted by Councilman Preslar.

Councilman McRary suggested a further amendment to the motion that the moratorium be extended until the Council takes action on this matter, which amendment was accepted by Councilman Preslar.

Mayor Eller stated that a thorough study should be made, including what is being done in other cities, in order that a sensible and workable ordinance might be prepared.

Mr. Maurice Puckett advised the Council that he was vitally interested both in the preservation of the beauty and the economic growth of Asheville, and asked the Council to give the matter thorough study and be sure any action is in the best interests of the City.

The City Manager explained the procedure involved in amending the zoning ordinance, and assured every- one concerned that ample opportunity would be given for discussion of the matter.

Following the discussion, the motion, as amended, was seconded by Councilman Sumner and unanimously adopted.

Councilman Sumner suggested that consideration be given to providing short-sleeve summer uniforms for members of the Fire Department.

The City Manager stated he would get information on this matter.

Councilman Algary introduced a resolution authorizing City Manager to execute license to the United States of America for proposed instrument landing system, approach light system and middle marker at Asheville Air- port, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 86.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 16, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 16, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, F. M. Mulvaney, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition signed by property owners on Cedar Lane requesting that this street be closed was presented.

The City Manager advised that this is an unopened alley.

The Council referred this matter to the City Manager for investigation.

A letter was received from W. A. McElduff requesting permission to erect a sign at 251 Biltmore Avenue. Mr. McElduff was present at the meeting and explained the purpose of the sign.

Following a discussion, Councilman Sumner moved that this matter be referred to the City Manager which motion was duly seconded and unanimously adopted.

OF PL I UNDER SUBDIVISION
ORDINANCE 442

A communication was received from the Planning and Zoning Commission recommending approval of plat of Zephyer Hills.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled, "Zephyer Hills" prepared by J. R. Reagan, Surveyor, for Mr. J. L. Ward shows the subdivision of real estate adjacent to Shelburne Road.

The plan has been reviewed by this Commission at its regular meeting on March 1st, 1961. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
BN AS - N 15.30

s/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Mulvaney introduced a resolution authorizing and directing City Manager and City Clerk to execute lease agreement with Southeastern Enterprises, Inc. involving property formerly known as Asheville Hendersonville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 87.

The City Manager pointed out that this lease agreement is subject to release of the property by Federal Aviation Agency.

The City Manager presented the budget statement for the period ending February 28, 1961.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 23, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 23, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, W. F. Algary, J. W. McRary, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Turner Letterman requesting the rezoning of Lots 3 and 4, described in deed book 505 at page 184, located on Cane Street, from Business District to Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending approval of plat of Hyannis Acres.

March 23, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, prepared by C. N. Baumann, R. S., for Mr. C. F. Bradley entitled, "Hyannis Acres" and dated March 16, 1961, shows the subdivision of real estate to the south of Barnard Avenue.

The plat has been reviewed by this Commission at a regular meeting held on March 1, 1961. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
BN AS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager announced that this is the date set for the public hearing on the zoning of certain property known as Lot 37, Sheet 11, Ward 8 and additional property to the rear and adjacent thereto.

There being no objection to said amendment Councilman Mulvaney introduced Ordinance No. 443, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

A request having been made by M. B. G. Enterprises, Inc. that this ordinance be considered on three readings on the same day, Councilman Algary moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Sumner, and unanimously adopted.

Whereupon, Ordinance No. 443, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 443, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" Councilman Sumner voted "aye"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 443

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROV
ING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance No. 322, known as "AN O
NANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined
said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this
tion shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from RA-6 Residential to Roadside Business A

BEGINNING at the Northwest corner of Lot 37, Sheet 11, Ward 8, as shown on the Buncombe County Tax Maps, as
constituted; thence South 73 degees 40 minutes West 99.20 feet to a stake; thence South 32 degrees 24 minute
East 194.24 feet to a stake; thence South 64 degrees 45 minutes East 234.32 feet to a stake; thence North 4
grees 25 minutes East 26.1 feet to a stake in the Southwest corner of said Lot 37; thence North 41 degrees
minutes West 365.05 feet to the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make th
changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance
for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions o
this ordinance. The City Council hereby declares that it would have passed this ordinance and each section,
section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, s
tences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are her
repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of
nal passage.

I move the adoption of the foregoing ordinance, this 23rd day of March, 1961.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 23 day of March, 1961, to become effective 7 day of April,

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman McRary introduced resolution appointing member of Asheville School Board, which w
upon motion of Councilman McRary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 88.

Councilman Algary introduced a resolution authorizing City Manager to submit application to
eral Aviation Agency for release of all interests, rights and restrictions conveyed to United States Governm
in connection with Asheville-Hendersonville Airport property, which was, upon motion of Councilman Algary,
onded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 89.

The City Manager advised that an application has been pending for sixty days to erect a sid
sign at 41 Broadway, which sign would be in conformity with other signs in the area, and would have no effe
the long-range plan regarding erection of signs. The City Manager recommended that permit be issued.

Following a discussion, Councilman Sumner moved that permit be issued for erection of this s
which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager presented the audit of the City for the period ending December 31, 1961.

The City Manager reported that final notice had been given to the owners of eight houses which had previously been condemned, and that this matter was moving on schedule.

The City Manager gave a brief review of the action which has heretofore been taken by the Council regarding a metropolitan sewage system plan, and advised that the firm of Mitchell, Pershing, Shetterly & Mitchell, bond attorneys for the city, has prepared a proposed state-wide bill to be presented to the Legislature. The City Manager advised that members of the Board of County Commissioners as trustees for the county sewer districts, officials of the towns of Biltmore Forest and Black Mountain, and trustees of the Woodfin District had been invited to attend this meeting.

The City Manager gave a resume of the act, stating that the enactment of such legislation could mean a great deal to the progress of this area, and, since the Legislature is now in session, suggested that such legislation needs the active support of the groups present at this meeting.

Mr. Edwin Hartshorn, Mayor of the Town of Biltmore Forest, stated that his Board has planned to go along with the City of Asheville and other groups in setting up a unified sewage treatment. Mr. Hartshorn suggested that copies of the proposed act be made available to all concerned governmental units for study, and that a second meeting be held as soon as possible.

The City Manager reminded the meeting that the State Stream Sanitation Committee served notice in 1959 that the dumping of raw sewage into the French Broad River and its tributaries will have to be stopped in the near future, and set July, 1963 as a deadline for completion of the required sewage disposal system. Mr. Weir stated that the engineering survey emphasized the fact that most of the county districts pass their sewage through the Asheville city system and this makes construction of a unified treatment plant the only practical solution.

Mr. P. Greer Johnson, Asheville city engineer, and also a member of the State Stream Sanitation Committee, stated the committee is aware of the special difficulties facing Buncombe communities, but reminded the meeting that the temporary permits now in force actually mean that all Buncombe sewage units are in violation of state law in the matter. Mr. Johnson said that the Stream Committee strongly favors a joint project solution, and stated he was afraid that failure of the Buncombe local units to secure legislation during the current General Assembly would be interpreted by the Stream Sanitation Committee as an indication that no real local action is contemplated, in which case the committee would have no alternative to taking action against the local units individually to secure compliance with the state law.

The question was raised concerning availability of federal aid in this project, and Mr. Johnson advised under present federal law $300,000 would be available, but that a new bill now before Congress would raise the amount to $600,000.

Councilman Preslar questioned if the proposed state-wide act is rejected by the General Assembly could a similar local measure be introduced, and was assured that this could be done.

Councilman Algary stressed the fact that the proposed act is simply enabling legislation and in itself doesn't commit any one, and isn't anything that should be approached with too much fear.

The City Manager stated that copies would be made available to governmental units which are concerned in this matter, and suggested that a resolution or expression should be directed to the Legislature concerning said units' wishes in regard to the proposed bill.

Mr. Coke Candler, Chairman of the County Commissioners, and T. R. Green, Town Manager of Black Mountain, concurred in the suggestion of a second meeting, and Mr. Tom S. Garrison, Jr., County Attorney, offered to contact the Woodfin trustees.

Following the full discussion, it was decided to consider this matter again at the regular meeting of the City Council to be held on April 6th.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 30, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 30, 1961, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen C. M. Preslar, J. W. McRary, W. F. Algary, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An offer was received from Richard B. Ford, attorney for James W. Penland, to purchase Lots 71 through 79, Plat Book 12, page 31, Buncombe County Registry; Tax Lots 34 through 42 inclusive, Sheet 25, Ward 5, for the price of $400.00 with the understanding that the purchaser will assume payment of outstanding taxes on said property.

The City Manager advised that he considered the offer reasonable in view of the depressed nature of the property due to litigation and overdue taxes.

Councilman Morgan moved that the Corporation Counsel be instructed to prepare notice offering the said property for sale, which motion was seconded by Councilman McRary and unanimously adopted.

A petition was received from W. S. Harrison requesting the rezoning of certain property south of

Patton Avenue and West of Hanover Street. Said petition also contained a request to withdraw from public domain that portion of Saratoga Street which is unopened and which lies immediately northof tax lot 74, sheet 4, ward 6, and which extends in an Easterly direction from the western line of said Lot 74 extended to the southern line of Lot 73 of said ward and sheet, and that the same also be zoned Roadside Business Area.

Mr. Fred B. Steiner, representing W. S. Harrison, advised the Council that the requests are made in connection with the construction of a bowling alley, and that said construction would start as soon as zoning revisions can be made.

Following the discussion, Councilman Preslar moved that the requests be referred to the Planning and Zoning Commission for study and recommendation, which motion was duly seconded and unanimously adopted.

Mr. Sanford W. Brown presented a claim for $100 for materials and $107 for labor already performed in erecting unfinished billboards on property owned by himself and his wife on Poplar Street, and in addition claimed damages of $25.00 per month from March 15, 1961, which claim was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

NOTICE OF CLAIM

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Sanford W. Brown, and his wife, Rose Hildebrand Brown, as the owners of that certain real property situate on the Southeast side of Poplar Street adjacent to the West entrance to the Beaucatcher Tunnel in the City of Asheville, County of Buncombe, State of North Carolina, described in that certain deed from the United States of America to Sanford W. Brown and wife Rose Hildebrand Brown, recorded in Deed Book 670 at page 497 of the Registry of Deeds for Buncombe County, North Carolina, pursuant to Section 149 of the City Charter of the City of Asheville, hereby make claim and demand damages of the City of Asheville in the amount of $107.00 for labor performed and $100 for materials used by them prior to March 15, 1961, in the course of their construction of a sixth signboard back against the twelve foot bank on their said property which is ninety feet back from the Southeast edge of the now dead end street known as Poplar Street in the City of Asheville, County of Buncombe, State of North Carolina, and two hundred feet more or less from the South side of the new throughway through Asheville at said place, and in addition thereto, claimant's herein hereby give Notice of and make claim for damages from the City of Asheville in the amount of $25.00 per month from March 15, 1961 for so long as the City of Asheville, through its agents, wrongfully, arbitrarily, and without legal right or justification continue from said date in preventing the claimants herein from completing the construction of said signboard at said place on their said property.

That this Notice and claim for damages is given and made against the City of Asheville pursuant to the City of Asheville, through its employes, servants and agents having arbitrarily, wrongfully and without right at law, refused to issue a building permit to the claimants on their application therefor, on or about the 10th day of March, 1961, to build a signboard at said place on their said property, by said City having, through its employee, servant and agent, Roy Wilson, Building Inspector for said City, having delivered the following incorrect and legally unsupported note to the claimant's agent in charge of the construction of said signboard on the claimant's aforementioned property at that time:

"Mr. J. O. Crenshaw

Thursday March 9th the city council passed an ordinance in regard to, and stating no signs are to be erected until a ruling is made on size signs to be erected, this matter should be cleared up in next five or six weeks.

Roy Wilson
Building Inspector."

The undersigned claimants, therefore, respectfully present their claim for said amounts, and respectfully request payment of same for said arbitrary, capricious, and unwarranted at law restriction of their use of their said property for said purpose.

Sanford W. Brown
and wife Rose Hildebrand Brown

By S/ Sanford W. Brown
Claimants

Councilman Preslar introduced a resolution appointing a Citizens Traffic Safety Advisory Commission, which was, upon motion of Councilman Preslar, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 90.

Councilman Algary introduced a resolution authorizing Mayor to execute amendment to lease with Miller Printing Co. for operating off-street parking facility by city, which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 91.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

AMENDMENT TO LEASE

THIS AGREEMENT, made this 30th day of March, 1961, by and between MILLER PRINTING CO., hereinafter referred to as Lessor, and CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina, hereinafter referred to as Lessee;

W I T N E S S E T H:

THAT WHEREAS, on the 25th day of July, 1960 the parties hereto entered into a certain lease whereby the lessor leased to the Lessee for a term of ten years beginning August 1, 1960 and extending until July 31, 1970 the property described as Tax Lots 83, 84, 85 and 86 as shown on Sheet 1, Ward 3 of the Tax Maps of the City of Asheville and Buncombe County; and

WHEREAS, the parties hereto have agreed to include an additional lot into said lease, being Tax Lot [illegible] as shown on Sheet 1, Ward 3 of the Tax Maps of the City of Asheville and Buncombe County, and being further described in deed recorded in Deed Book 838 at page 651 in the office of the Register of Deeds for Buncombe County, N. C., reference to which deed is hereby made for greater certainty of description;

NOW, THEREFORE, it is mutually agreed that the premises described in the preceding paragraph are hereby leased unto the said Lessee, beginning the 1st day of April, 1961 and ending the 31st day of July, 1970, at the rental specified in the above described lease, payable at the times and under the conditions therein set forth; and that all of the terms, conditions, and covenants set forth in the above described lease apply to the additional property described herein as fully as if set forth herein.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its duly authorized officers and its seal to be hereunto affixed; and the said Lessee has caused this instrument to be executed in its name by its Mayor and attested to by its Clerk, and its corporate seal attached, all under and by virtue of the authority duly granted by resolution adopted by the Council of the City of Asheville, this lease and the resolution authorizing same having been duly submitted to and approved as to form by its corporate counsel, and all matters and things necessary and proper for the said City of Asheville to execute this contract having been duly and properly done; this the day and year first above written.

ATTEST:

_____
Secretary

MILLER PRINTING CO.

By_____
President

ATTEST:

_____
City Clerk

CITY OF ASHEVILLE

By_____
Mayor

Councilman McRary raised the question of court costs in cases in which a defendant in City Police Court is found guilty but appeals his conviction to Buncombe County Superior Court. Mr. McRary said he understands that in such cases if the defendant is also found guilty in Superior Court the whole costs are collected by Superior Court with no portion returning to Police Court, and, since the city carries the cost of initiating such cases, a portion at least of the costs should be returned to Police Court. Mr. McRary further stated that if a convicted defendant knew he would have to pay both Police Court and Superior Court costs if his appeal failed that it might cut down the large number of appeals from Police Court.

Councilman Algary questioned whether it would be fair to make a defendant pay double for the privilege of taking an appeal.

The Council referred this matter to the Corporation Counsel for investigation.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR
Frank Mulvaney

Margaret Simmons
CITY CLERK

Thursday, April 6, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 6, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, C. M. Preslar, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - RECOMMENDATION
[illegible] COMMISSION
[illegible] south of
[illegible] Hanover

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property owned by W. S. Harrison south of Patton Avenue and west of Hanover Street from Neighborhood Trading Area and Residential RA-6 to Roadside Business Area, and recommending that the owners and developers of this property take the imminent improvement of Hanover Street into consideration in the development of their site plan.

April 5, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that this Commission recommend for rezoning from Neighborhood Trading Area and Residential RA-6 to Roadside Business Area the following described property:

BEGINNING at a point at the Southeast corner of Lot 43, Sheet 4, Ward 6 of the Buncombe County Tax Maps, as now constituted, said point being on the Western margin of Hanover Street; thence along the margin of Hanover Street in a Northerly direction along the Eastern line of Lots 43, 44, 45, 185, 186, 187,

188 to the Northernmost corner of Lot 188; thence in a Southerly direction along the Western bounds of Lots 188, 186 and 185 to the Southwest corner of Lot 185; thence across a portion of Lot 46 to the North-east corner of Lot 73; thence in a Westerly direction to the Northwest corner of Lot 73; thence in a Southerly direction to the Southwest corner of Lot 73; thence across Saratoga Street to the Northwest corner of Lot 74; thence in a Southerly direction along the Western line of Lots 74 and 85 to the Southwest corner of Lot 85; thence in an Easterly direction to a point in the Western line of Lot 43; thence in a Southerly direction to the Southwest corner of Lot 43; thence in an Easterly direction along the Southern line of Lot 43 to the point of BEGINNING.

The Commission also recommends that the owners and developers of this property take the imminent improvement of Hanover Street into consideration in the development of their site plan.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BN AS - N 15.25 (61-13)

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property owned by Hugh A. Penley on the New Haw Creek Road from Residential RA-6 to Roadside Business Area

April 5, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the commission recommend for rezoning from Residential RA-6 to Roadside Business Area, the following described area:

BEGINNING at the Northeast corner of the intersection of the New Haw Creek Road and Tunnel Road being the Southwest corner of that portion of Lot 17, Sheet 21, Ward 8 of the Buncombe County Tax Maps, as now constituted, which lies on the North of Tunnel Road; thence in an Easterly direction along the Northern margin of Tunnel Road to the Southeast corner of that portion of Lot 18 which lies on the North of Tunnel Road; thence in a Northerly direction along the Eastern bounds of Lot 18 to the Northeast corner of Lot 18; thence along the bounds of Lot 18 in a Westerly and Northerly direction to the Southeast corner of Lot 32; thence in a Northerly direction along the Eastern line of Lot 32 to the Northeast corner of said Lot 32; thence on the Southern margin of the New Haw Creek Road; thence in a Southwesterly direction along the Northern line of Lots 32 and 17 to the point of BEGINNING.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BN AS - N 15.25 (61-6)

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property owned by Z. R. Sheppard on Haywood Road from Business District to Commercial District.

April 5, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that the Commission recommend for rezoning from Business to Commercial, the following described area:

BEGINNING at the Northwest corner of Haywood Road at the intersection of Haywood, Beverly and Ridgelawn Roads, being the Southeast corner of Lot 16½, Sheet 6, Ward 6 of the Buncombe County Tax Maps, as now constituted; thence along the Eastern line of Lots 16½ and 16 to the Northeast corner of Lot 16; thence along the Northern line of Lot 16 to the Northwest corner of said Lot 16; thence across the street car right-of-way in a northwesterly direction to the Northeast corner of Lot 19½; thence along the Northern line of Lots 19½ and 14 in a Westerly direction to a point in the Eastern line of Lot 13; thence in a Northerly direction to the Northeast corner of Lot 13; thence along the Northern line of Lot 13 to the Northwest corner of said Lot 13; thence in a Southerly direction along the Western bounds of Lot 13 to the Southwest corner of said Lot 13, said Southwest corner being on the Northern margin of Haywood Road; thence in an Easterly direction along the Northern margin of Haywood Road and the Southern bounds of Lots 13, 14½, 209, Streetcar right-of-way, Lots 15 and 16½ to the point of BEGINNING.

Sincerely yours,

S/ Anthony Redmond
Secretary

AR:nr
BN AS - N 15.25 (61-11)
Encl:

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain lots north of Haywood Road between Dunwell Avenue and Herron Street from Residential RA-6 to Business Area, and strongly recommending that the owners of the property dedicate to public use 15' on the Western margin of Dunwell Avenue and 15' on the Eastern margin of Herron Street for possible widening of those respective streets.

April 5, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that the property described below be recommended for rezoning from Residential RA-6 to Business Area:

BEGINNING at a point on the Western margin of Dunwell Avenue 100' from the intersection of Dunwell Avenue and Haywood Road, said point being the Northwest corner of Lot 17, Sheet 9, Ward 6 of the Buncombe County Tax Maps, as now constituted; thence in a Northerly direction across an unnamed alley and continuing along the Eastern bounds of Lots 104, 105, 106, 107, 108 and 109 to the Northeastern corner of Lot 109; thence in a Westerly direction along the Northern line of Lot 109 to the Northwest corner of Lot 109; thence in a Southerly direction along the Western bounds of Lot 109 to a point where the Southern margin of an unnamed alley joins Lot 109; thence in a Westerly direction along the Southern margin of said Alley, being the Northern line of Lot 140, to the Northwest corner of Lot 140 on the Western margin of Herron Street; thence in a Southerly direction along Herron Street and the Western bounds of Lots 140, 277, across an unnamed alley, Lot 141 to the Southwest corner of Lot 141; thence in an Easterly direction along the Southern bounds of Lots 141, 267, and the Southern margin of an unnamed alley to the point of BEGINNING.

The Commission strongly recommends that the owners of the above described property dedicate to public use 15' on the Western margin of Dunwell Avenue and 15' on the Eastern margin of Herron Street for possible widening of those respective streets.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

The above recommendations were accepted by the Council, and Councilman Morgan moved that the Corporation Counsel be instructed to prepare ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held April 27, 1961, which motion was seconded by Councilman McRary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of a plat of "Echo Hills".

April 6, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled, "Echo Hills" prepared by Ray E. Anders, Surveyor, for Mr. Z. R. Sheppard and dated August, 1960, shows the subdivision of property on the New Leicester Highway.

The plat has been reviewed by this Commission at its regular meeting on August 3, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
BNAS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman McRary moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager advised that today is the date set for further discussion of the proposed state-wide enabling legislation regarding creation of metropolitan sewerage districts, and presented copy of a resolution of the County Commissioners as trustees of certain sewer districts favoring enactment of this legislation.

Mr. Edwin S. Hartshorn, Mayor of the Town of Biltmore Forest, presented a letter from the Town Attorney of Biltmore Forest, stating that the Town of Biltmore Forest approved and endorsed the bill in principle subject to the following amendments: (1) elimination from the bill of the several provisions for the issuance of general obligation bonds of the District, and for the levy and collection of ad valorem taxes on property within the District; (2) elimination from the bill the provision or provisions authorizing a district to assume the outstanding indebtedness of a political subdivision in the district lawfully incurred for paying all or any part of the cost of a sewerage

system; (3) modify the bill to provide that the acquisition by a district of sewerage systems or facilities of political subdivisions or participating areas within a district shall be by a uniform method and on a uniform basis.

Mr. T. S. Garrison presented a resolution of the Trustees of the Woodfin Sanitary Water & Sewer District favoring the enactment of the proposed legislation.

Mayor Eller stated that he had been advised by Mr. Curtis Bynum, Secretary of the Sinking Fund Commission for Asheville and Buncombe County, that while the proposed bonds will be revenue bonds that they should also carry the full faith and credit provision of the governmental unit issuing them in order to secure a better interest rate. The City Manager advised that the Council, as well as the County Commissioners, favor financing by revenue bonds, but that revenue bonds will have a more favorable market if they are backed by the full faith and credit of the combined governmental units in the sewerage districts, which would mean ad valorem taxes could be levied to retire the bonds if the sewer tax at any time failed to meet the obligations.

Mrs. L. A. Stradley, president of the Asheville League of Women Voters, urged the Council to support passage in Congress of H. R. 4036, a bill which would increase federal aid to municipalities in constructing sewage treatment plants and other projects for conserving water resources.

Mayor Eller thanked Mrs. Stradley for the information on the legislation, and asked for full particulars to enable Council to seek support for the bill.

Following the full discussion, Councilman Morgan introduced a resolution requesting Buncombe County's representatives in the State Legislature and the North Carolina State Stream Sanitation Committee to exert full effort toward passage of a bill entitled "AN ACT TO PROVIDE FOR THE CREATION AND ENLARGEMENT OF METROPOLITAN SEWERAGE DISTRICTS AND FOR THE ISSUANCE THEREBY OF GENERAL OBLIGATION BONDS AND REVENUE BONDS" which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page

Mayor Eller advised the Council that the Asheville Chamber of Commerce was sponsoring a "People to People Program" in which a town affiliation between Asheville and a designated foreign city is established, and that the city chosen as Asheville's opposite number in the project is Petropolis in Brazil, a community similar to Asheville in size, topographical location, climate and economic interests. The program calls for systematic exchange of cultural information between civic groups and educational institutions of the two cities.

Following this explanation, Councilman Algary introduced a resolution authorizing Mayor to act on behalf of this Council, resolutions prepared by the Asheville Chamber of Commerce in its "People to People Program" recognizing sister cities throughout the world, which was, upon motion of Councilman Algary, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 93.

The City Manager presented the Council members with copies of a preliminary report from the Planning and Zoning Commission on proposed amendments to the zoning ordinance limiting erection of signs and billboards, and advised a completed recommendation will be ready in a week or so.

The City Manager reported that the Central Asheville Association has reached tentative agreement with owners of property off of College Street at the rear of Lerner's, along Rankin Avenue into Walnut Street for an off-street parking facility which would accommodate approximately 115 cars, and that under the city formula property owners would be paid 6% of the fair market value of their property under a thirty year lease with an extension clause if multiple type parking is ever developed for the area. The City Manager further advised that under an appraisal of private appraisers and the Central Asheville Association it is estimated that the annual income from the parking area will be in excess of $20,000, with the city's rental share for operation costs to amount to approximately $12,000 per year. Under the proposed lease arrangement income in excess of $20,000 per year will be divided 50-50 between the city and the property owners, with individual owners' shares figured on a square foot basis. As in other city-leased parking areas the city will carry out demolition of existing buildings and paving of the parking area, which will be attendant-operated, and that with allowance for sale of materials from the demolition, installation costs to the city will be under $2,000.00.

Following a discussion, Councilman Preslar moved that the City Manager be authorized to prepare the necessary leases, which motion was seconded by Councilman McRary and unanimously adopted.

Residents of Herren and Dunwell Avenues appeared before the Council to protest the proposed zoning of certain lots in this area as requested by the Westside Corporation, advising that they had been unable to secure any information as to the proposed use of this property.

The delegation was advised by the City Manager that a public hearing would be held on this matter on April 27th, at which time they would be given an ample opportunity to be heard.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, April 13, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 13, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, C. M. Preslar, F. M. Mulvaney, C. E. Morgan, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from John F. Shuford, attorney for Fred Thomas and wife, Nannie M. Thomas, E. T. Braswell and wife, Mollie Thomas Braswell, John P. Brown and wife, Susan M. Brown, Dr. C. C. Bennett and wife, Lillian E. Bennett, requesting the rezoning of a tract of land fronting on the East margin of New Hanover Street and extending in an eastward direction to the western boundary line of Southwick Place and of lot 26 of Westwood Acres from Neighborhood Trading and RA-5 Residential to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Mr. Harold T. Epps, attorney for James Edward Ray, presented a claim for damages for personal injuries in the amount of $5,000.00, which was referred to the Corporation Counsel for investigation.

NORTH CAROLINA
BUNCOMBE COUNTY

P E T I T I O N

To The Honorable Mayor and Council, Asheville, North Carolina:

You will please take notice that the undersigned, James Edward Ray, of Buncombe County, North Carolina, by and through Harold T. Epps, his attorney, pursuant to section ____ of the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville, as a result of personal injuries sustained by him on the March 2nd, 1961, as a public Street in said City, as follows:

That on or about the night of March 2nd, 1961, the claimant while attempting to cross South French Broad Avenue, between the block of Southside Avenue, and Livingston Street, and due to poor lighting conditions on the sidewalk, the Claimant stepped into a hole in said Street, which was afterwards learned to be a hole about six and one half inches deep, and twelve inches in circumference; and that as a result thereof the undersigned Claimant received the following injuries: Broken Thigh, and Hip Bones.

That the dangerous conditions which was the cause of the above described accident resulted from the negligence of the City of Asheville, in the exercise of its powers and duties as a municipal corporation to maintain the Streets and sidewalks in the City of Asheville, and by virtue of its authority to control and supervise the upkeep of the Streets, and sidewalks, on South French Broad Avenue between the intersections of Southside and South French Broad Avenue, and Livingston Street. The injuries having been sustained between the two intersections in the City of Asheville, Buncombe County, North Carolina; that said City has greatly damaged the undersigned Claimant, temporarily destroyed his earning power, caused him to incurr expenses for medical attention, great inconvenience, pain, and suffering in the sum of Five Thousand dollars ($5,000.00).

The undersigned Claimant, therefore respectfully presents his claim for said amount, through his Counsel, and respectfully requests payments of same.

S/ Harold T. Epps
Attorney for Claimant

IMPERIAL WOODS SUBDIVISION - PLAT APPROVED UNDER SUBDIVISION ORDINANCE #424

A communication was received from the Planning and Zoning Commission recommending the approval of a plat of Imperial Woods Subdivision.

April 13, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by Carter and Bearden, Engineers, for Mr. Rex Starnes and dated March, 1961 shows the subdivision of real estate in the Imperial Woods Subdivision on Hendersonville Road.

The above described plat has been reviewed by this Commission at a regular meeting held on April 5th, 1961. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
M 15.30, BN AS

S/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

ASHEVILLE AIRPORT - LEASE WITH MARTHA WEST JOHNSON AND ROSE ANN POWELL DB/A "MAROSE" RELATIVE TO OPERATION OF GIFT SHOP

Councilman Preslar introduced a resolution authorizing and directing Mayor and City Clerk to execute agreement with Martha West Johnson and Rose Ann Powell, Trading and Doing Business as "MAROSE", relating to gift shop operation at Asheville Airport, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 94.
Complete copy of lease will be found attached to original resolution.

PRIMARY ELECTION - RESULT

The City Manager presented a report from the Municipal Board of Elections showing the result of the Primary Election held on April 11, 1961.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

April 12, 1961

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, April 11, 1961 the Municipal Primary Election for officials of the City of Asheville was held for the City of Asheville for the Democratic and Republican candidates for City Councilmen; and

WHEREAS, certificates of result of said Municipal Primary Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A. M. on April 12, 1961; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all the city polling precincts for the Municipal Primary Election; and

WHEREAS, the result of said election was published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Municipal Primary Election for seven offices of Councilmen for the City of Asheville for the Democratic party and for the Republican party, and declaring the results thereof, together with sworn statement tabulating such returns.

Yours very truly,

S/ Eugene P. Coston
Chairman

S/ Elizabeth R. Weaver
Secretary

S/ Irwin Monk

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND THE REPUBLICAN PARTY HELD APRIL 11, 1961, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Primary Election for city officials for the Democratic and the Republican party held on April 11, 1961 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said Primary Election for city officials held in the City of Asheville on April 11, 1961 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen for each party in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Primary Election for the Democratic party and for the Republican party, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and the totals of such numbers:

DEMOCRATIC PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8
William F. Algary	174	245	304	263	167	145	210	63
Earl W. Eller	179	244	320	274	183	136	219	61
Robert Milton Felkel	25	88	91	100	68	101	71	22
Julius S. Harrill, Jr.	22	85	82	104	66	97	70	22
Lloyd Little	24	78	84	63	53	83	48	21
J. Walter McRary	176	245	324	256	163	145	212	60
Clarence E. Morgan	171	230	321	256	177	142	217	64
Frank M. Mulvaney	161	216	304	250	167	128	213	52
Carter M. Preslar	160	205	287	222	152	120	198	55
Theodore B. Sumner	163	229	307	245	168	147	205	58

For Councilmen	9	10	11	12	13	14	15	16	TOTALS
William F. Algary	85	320	207	240	192	152	229	166	3,162
Earl W. Eller	82	324	222	247	193	142	236	184	3,246
Robert Milton Felkel	41	15	60	42	70	61	109	113	1,077
Julius S. Harrill, Jr.	38	8	52	37	52	57	81	73	946
Lloyd Little	38	21	97	34	49	53	74	72	892
J. Walter McRary	85	319	210	242	199	150	242	178	3,206
Clarence E. Morgan	79	322	224	240	199	154	239	177	3,212
Frank M. Mulvaney	81	321	200	238	188	136	222	153	3,030
Carter M. Preslar	79	316	186	226	173	120	207	137	2,843
Theodore B. Sumner	79	318	177	238	185	122	208	165	3,014

REPUBLICAN PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8
Richard F. Austraw	9	25	74	82	45	72	26	5
L. S. Clark	6	26	77	84	51	63	27	5
Frank B. Cole	3	21	74	85	46	55	26	6
Richard E. Dailey	4	25	80	87	54	67	27	5
Tom W. Davis	5	21	73	89	51	66	27	6
Adella B. Dilley	4	21	63	34	29	33	16	3
Ray H. Kimel	4	23	60	50	38	61	23	4
W. Eugene Ryon, III	1	18	44	64	40	51	18	4
Mrs. D. C. Smith, Jr.	3	15	40	64	39	45	17	4

For Councilmen	9	10	11	12	13	14	15	16	TOTALS
Richard F. Austraw	17	10	8	47	16	17	44	25	522
L. S. Clark	17	10	8	41	18	18	49	23	523
Frank B. Cole	18	10	8	44	19	15	51	23	506
Richard E. Dailey	18	10	8	24	20	17	49	22	517
Tom W. Davis	16	7	9	37	20	16	49	23	515
Adella B. Dilley	10	7	7	18	13	15	37	16	326
Ray H. Kimel	18	6	8	45	16	16	47	20	439
W. Eugene Ryon, III	7	3	5	39	15	9	35	18	371
Mrs. D. C. Smith, Jr.	3	7	4	39	10	9	34	15	348

Dated this 12th day of April, 1961.

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ Irwin Monk
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE (ss

Subscribed and sworn to before me this 12th day of April, 1961.

My commission expires: Jan. 6, 1962
(Seal)

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men received the highest number of votes cast and received the majority of the votes cast in the Democratic Primary held on said April 11th, 1961 for the office of City Council, and they are therefore declared to be the seven members of said party nominated by said party at said election, and they are hereby declared to be the nominees of the Democratic party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 9, 1961 as their party's candidates for such offices:

William F. Algary
Earl W. Eller
J. Walter McRary
Clarence E. Morgan
Frank M. Mulvaney
Carter M. Preslar
Theodore B. Sumner

(b) That the following seven persons received the highest number of votes cast in the Republican Primary held on said April 11, 1961 for the office of City Council:

Richard F. Austraw
L. S. Clark
Frank B. Cole
Richard E. Dailey
Tom W. Davis
Ray H. Kimel
W. Eugene Ryon, III

but, as provided in the City Charter of the City of Asheville for the canvassing of votes, it appears that Adella B. Dilley and Mrs. D. C. Smith, Jr. received a number of votes entitling them to demand a second primary if they so desire, and as provided by state law said persons have five days in which to demand said second primary.

(c) That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 4. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

Mrs. Weaver moved the passage of the foregoing resolution and Mr. Monk seconded the motion. After full discussion said resolution was voted on and declared passed, those voting for said resolution being Mr. Coston, Mrs. Weaver, and Mr. Monk, and those voting against said resolution being None.

We, members of the Municipal Board of Elections of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND THE REPUBLICAN PARTY HELD APRIL 11, 1961, AND DECLARING THE RESULT THEREOF", which was duly adopted on April 12, 1961 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 3, beginning at page 89 and ending at page 93, which Minute Book is kept in a public place in the

City Hall as required by law.

WITNESS our hands, this 12 day of April, 1961.

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ Irwin Monk

Members of the Municipal Board of Elections of the City of Asheville

The City Manager advised that following the action taken last week concerning the sewage disposal problem he had received a communication from the Director of the State Stream Sanitation Committee stating that the Committee will take the initiative in enacting legislation pertaining to sewage disposal.

The City Manager called attention of the Council to a statement of White Transportation Company published April 12th that it is cutting out all Sunday bus service due to heavy financial losses on the Sunday operation, which buses had been operating on Sundays until 1:30 p. m.

The City Manager requested authorization from the Council to try to work out on a temporary basis a solution to this problem with private bus lines.

Councilman Preslar moved that if no private transportation systems apply for this service that the City Manager be instructed to approach them and encourage them to take over this service as much as feasible, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Sumner suggested that people driving along bus routes on Sunday mornings pick up passengers, and use this neighborly approach to help alleviate the situation.

Dr. Embree H. Blackard, pastor of Central Methodist Church, strongly urged the Council to seek a permanent solution of the Sunday bus service problem, and Dr. Blackard also pointed out that residents in Hill Crest Apartments, the negro public housing project just east of Smoky Park Highway Bridge, are not close to any bus stops and asked if relief of this situation could be found.

The City Manager advised that the city was aware of this problem, but that in view of the operating troubles of the bus lines chance for expansion of services are not promising at this time.

The City Manager advised that a shutdown of water from 5 a. m. to approximately 5 p. m. on Saturday affecting Beverly Hills, Chunn's Cove, Aurora Drive and Kenilworth, is required to permit hooking in of new section of 24-inch pipe on the north side of Tunnel Road west of Haw Creek School, replacing a stretch made unusable by heavy excavations for commercial development in the area. The City Manager requested that full publicity be given this action through the press, radio and television, and urged residents and businessmen of the affected area to prepare for the 12-hour cutoff by storing as much water as possible Friday evening.

MAR

The City Manager presented the statement showing the budget position of the city for the period ending March 31, 1961.

Councilman Morgan brought up the question of a pedestrian overpass from the Hill Crest Apartments across Patton Avenue, and the City Manager reported that this project has been recommended by division engineers of the State Highway Commission and is now in the design state.

There was also a discussion of the drainage problem at this housing project, and the City Manager advised that the drainage is the responsibility of the Housing Authority, but that the cleaning of the streets is the responsibility of the City. The City Manager further advised that a full inspection would be made of this problem.

The Council welcomed Girl Scout Troop 139 to the meeting.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, April 20, 1961 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY

Thursday, April 27, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 27, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Mayor announced that today is the date set for the hearing on the rezoning of certain lots north of Haywood Road between Dunwell Avenue and Herron Street.

Mr. William C. Moore, appearing for John Giezentanner, attorney for the opponents to this rezoning, stated that there was no objection to adoption of the amendment on first reading if full hearing at subsequent readings was assured, since Mr. Giezentanner wanted more time to develop all facts in the case.

Mr. Albert Fortune, spokesman for Westside Corporation, explained plans for development of this area, advising it is proposed to construct a 350 foot multi-unit shopping center, providing parking for 138 cars. Mr. Fortune further stated the Westside Corporation, composed of 16 West Asheville businessmen, has agreed to a Planning and Zoning Commission recommendation that 15 feet on the Dunwell and Herron Avenue frontages be dedicated to the city for widening of the two streets where they abut the proposed development.

Mr. R. C. Plamondon of 54 Herron Avenue said he thought both Herron and Dunwell should be widened beyond the proposed shopping center to allow for increased traffic, and the City Manager advised that this is a matter to be negotiated later between residential property owners and the city if traffic does increase.

Following the discussion, Councilman Morgan introduced Ordinance No. 444, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The Mayor announced that today is also the date set for the hearing on the rezoning of certain property on Haywood Road as requested by Z. R. Sheppard, property on New Haw Creek Road as requested by Hugh A. Penley, and property south of Patton Avenue and West of Hanover Street as requested by W. S. Harrison.

There being no objection to said amendments, Councilman McRary introduced Ordinance No. 445, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman McRary, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Fred B. Steiner, representing W. S. Harrison, advised the Council that it is desired to get construction started on the bowling alley on Hanover Street, and requested that the rules be suspended and that this ordinance be passed on three readings today.

Following a discussion, Councilman Morgan moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 445, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 445, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman McRary, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 445

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVI... ING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDI... PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined ... said Ordinance #322, and the designated lot numbers, sheets and wards hereinafter referred to under this se... shall refer to the City of Asheville and Buncombe County Tax Maps.)

A. That the following described property be rezoned from Residential RA-6 to Roadside Busines... Area:

BEGINNING at the Northeast corner of the intersection of the New Haw Creek Road and Tunnel R... being the Southwest corner of that portion of Lot 17, Sheet 21, Ward 8 of the Buncombe County Tax Maps, as ... constituted, which lies on the North of Tunnel Road; thence in an Easterly direction along the Northern mar... of Tunnel Road to the Southeast corner of that portion of Lot 18 which lies on the North of Tunnel Road; t... in a Northerly direction along the Eastern bounds of Lot 18 to the Northeast corner of Lot 18; thence along... bounds of Lot 18 in a Westerly and Northerly direction to the Southeast corner of Lot 32; thence in a North... direction along the Eastern line of Lot 32 to the Northeast corner of said Lot 32, being on the Southern ma... of the New Haw Creek Road; thence in a Southwesterly direction along the Northern line of Lots 32 and 17 to ... point of BEGINNING.

B. That the following described property be rezoned from Neighborhood Trading Area and Resi... RA-5 to Roadside Business Area:

BEGINNING at a point at the Southeast corner of Lot 43, Sheet 4, Ward 6 of the Buncombe Coun... Tax Maps, as now constituted, said point being on the Western margin of Hanover Street; thence along the ma... of Hanover Street in a Northerly direction along the Eastern line of Lots 43, 44, 45, 185, 186, 187, 188 t... Northernmost corner of Lot 188; thence in a Southerly direction along the Western bounds of Lots 188, 186 ... 185 to the Southwest corner of Lot 185; thence across a portion of Lot 46 to the Northeast corner of Lot 7... thence in a Westerly direction to the Northwest corner of Lot 73; thence in a Southerly direction to the So... west corner of Lot 73; thence across Saratoga Street to the Northwest corner of Lot 74; thence in a Southe... direction along the Western line of Lots 74 and 85 to the Southwest corner of Lot 85; thence in an Easterl... rection to a point in the Western line of Lot 43; thence in a Southerly direction to the Southwest corner ... Lot 43; thence in an Easterly direction along the Southern line of Lot 43 to the point of BEGINNING.

C. That the following described property be rezoned from Business District to Commercial Di...

BEGINNING at the Northwest corner of Haywood Road at the intersection of Haywood, Beverly an... lawn Roads, being the Southeast corner of Lot 16½, Sheet 6, Ward 6 of the Buncombe County Tax Maps, as now ... tuted; thence along the Eastern line of Lots 16½ and 16 to the Northeast corner of Lot 16; thence along th... thern line of Lot 16 to the Northwest corner of said Lot 16; thence across the street-car right-of-way in ... thwesterly direction to the Northeast corner of Lot 19½; thence along the Northern line of Lots 19½ and 14 ... Westerly direction to a point in the Eastern line of Lot 13; thence in a Northerly direction to the Northe... corner of Lot 13; thence along the Northern line of Lot 13 to the Northwest corner of said Lot 13; thence ... Southerly direction along the Western bounds of Lot 13 to the Southwest corner of said Lot 13, said Southw... corner being on the Northern margin of Haywood Road; thence in an Easterly direction along the Northern mar... of Haywood Road and the Southern bounds of Lots 13, 14½, 208, 209, Streetcar right-of-way, Lots 15 and 16½ ... the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make th... changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance ... any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of th... dinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-... clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences ... or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are he... repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of ... passage.

I move the adoption of the foregoing ordinance, this 27 day of April, 1961.

J. W. McRary
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1961, to become effective 12 day of May, 1...

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Councilman Mulvaney introduced ordinance No. 446, being "AN ORDINANCE LEVYING, ASSESSING, I...

...S, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1961 ... ENDING MAY 31, 1962," which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously ... on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney introduced a resolution directing Mayor to execute deed to Farmers Cooperative ...hange, Incorporated, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously ...ted.

Complete copy of resolution will be found in Resolution Book 4 at page 95.

...E OF NORTH CAROLINA,
...TY OF BUNCOMBE.

THIS DEED, made and entered into this 27 day of April, 1961, by and between CITY OF ASHEVILLE, a mu... ...ipal corporation existing under and by virtue of the laws of the State of North Carolina, hereinafter referred to ... GRANTOR, and FARMERS COOPERATIVE EXCHANGE, INCORPORATED, a corporation chartered and existing under the laws of the ...te of North Carolina, hereinafter referred to as GRANTEE;

WITNESSETH:

THAT WHEREAS, by resolution duly passed by the Council of the City of Asheville on March 2, 1961 the ...ty Manager was directed to advertise for sale certain property hereinafter described, and pursuant to said advertise... ...t a sale was held on April 3, 1961, at which sale the Grantee became the last and highest bidder in the sum of ...elve Thousand Five Hundred and 0/100 ($12,500.00) Dollars, which bid lay open as required by law and no upset bid ...e filed; and

WHEREAS, by resolution dated April 27, 1961 the Council of the City of Asheville resolved to accept ...id bid, and directed the Mayor and City Clerk to execute a deed therefor;

NOW, THEREFORE, for and in consideration of the sum of Twelve Thousand Five Hundred and 0/100 ...2,500.00) Dollars paid to the Grantor by the Grantee, receipt of which is hereby acknowledged, the said Grantor ...e bargained, sold and conveyed, and by these presents does bargain, sell and convey unto the Grantee, its successors ...assigns, the following particularly described real estate located in the City of Asheville, Buncombe County, North ...rolina, to-wit:

...GINNING at a stake in the Western margin of Riverside Drive, said stake being located North 16 deg. 05' West 64.3 ...et and North 20 deg. 54' West 139.2 feet from the Northeast corner of Lot No. 1 as shown on a plat recorded in Plat ...k 154 at page 146, Office of the Register of Deeds for Buncombe County, N. C. and runs thence from said Beginning ...ner, South 81 deg. 39' West 439.8 feet to a stake on the top of the bank of the French Broad River; thence down the ...er, North 30 deg. 27' West 250 feet to an iron axle in an open ditch; thence North 81 deg. 07' East 454.2 feet to ...take in the Western margin of Riverside Drive; thence with said margin, the following nine courses and distances, ...wit: South 32 deg. 11' East 50 feet; South 31 deg. 50' East 25 feet; South 30 deg. 01' East 25 feet; South 28 deg. ...' East 25 feet; South 27 deg. 03' East 25 feet; South 25 deg. 40' East 25 feet; South 23 deg. 28' East 25 feet; South ...deg. 57' East 25 feet; South 21 deg. 02' East 25 feet to the point of BEGINNING.

...bject to easements of record, and the right-of-way of Riverside Drive to its full legal width.

TO HAVE AND TO HOLD the above described land and premises, with all the appurtenances thereunto be... ...ging, or in any wise appertaining, unto the Grantee, its successors and assigns forever.

And the Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is ...fully seized in fee simple of said land and premises, and has full right and power to convey the same to the Grantee ...fee simple, and that said land and premises are free from any and all encumbrances (with the exceptions above stated, ...any), and that it will and its successors shall forever warrant and defend the title to said land and premises, with ...e appurtenances, unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed by its duly authorized officers ...d its seal to be hereunto affixed, the day and year first above written.

...EST:

...S/ Margaret Simmons
City Clerk
...eal)

CITY OF ASHEVILLE

By S/ E. W. Eller
Mayor

...TE OF NORTH CAROLINA,
...NTY OF BUNCOMBE.

This the 27 day of April, 1961, personally appeared before me, a Notary Public, in and for the County ...Buncombe, State of North Carolina, E. W. ELLER, who, being by me duly sworn, says that he is Mayor of the City of ...eville and that the seal affixed to the foregoing and annexed deed is the corporate seal of said corporation, and ...at said instrument was signed and sealed by him, in behalf of said corporation by authority duly given, and the said ...W. ELLER acknowledged said writing to be the act and deed of said corporation.

WITNESS my hand and Notarial Seal, this the day and year first above written.

...commission expires:
...Jan. 6, 1962
...eal)

S/ Lillian Ducker
Notary Public

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, May 4, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 4, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. M. Preslar, J. W. McRary, C. E. Morgan, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Mr. Lamar Gudger, attorney for Dixie Fulk, presented a claim for damages for personal injuries in the amount of $5,000.00, which was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

NOTICE

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA:

YOU WILL PLEASE TAKE NOTICE that the undersigned, Dixie Fulk, of Buncombe County, North Carolina by and through Mr. Lamar Gudger, his attorney, and in accordance with the provisions of Sections 149 and 150 of the Charter of the City of Asheville hereby presents you with a claim for damages against the City of Asheville, and the information required to be given under said Sections as follows:

1. The injury for which said Dixie Fulk claims damages against the City occurred on the 4th day of February, 1961.

2. The place of injury was on the sidewalk on the south side of College Street about one hundred feet west of the intersection of College and North Spruce Streets behind the property owned and operated as Peterson's Grill in the City of Asheville, North Carolina.

3. The cause and manner of such injury and facts connected therewith are as follows:

That on the 4th day of February, 1961, at about 9:15 o'clock P. M., said Dixie Fulk was walking in a westerly direction on the sidewalk on the south side of College Street between North Spruce Street and said way; that the sidewalk from the corner of Spruce and College Streets in said westerly direction on the south side of College Street had been cleared from the accumulation of ice and snow to a point to where the back edge of the building known as Peterson's Grill abutted said sidewalk; that the sidewalk area immediately behind the width of the back of the building known as Peterson's Grill was not and had not been cleared of the accumulation of ice and snow which had fallen some seven to ten days prior to February 4, 1961; that as said Dixie Fulk stepped on the three to four inches accumulation of ice and snow at said point on said sidewalk he tripped, slipped and fell across the rough and uneven ridges of ice and snow which resulted in a comminuted fracture of the surgical neck of the humerus with medial displacement of the shaft with probable rotation of the head of the humerus; and that he sorely bruising his limbs and ligaments and tissues thereof and other abrasions and contusions; that the three to four inch rough and uneven ridge of ice and snow was accumulated only at the place above-mentioned and that the sidewalk was clear to the east and to the west of this point to the College Street intersections; that said rough and uneven ridge of ice and snow had been there since the last large snow-fall which was some seven to ten days before this date; that at the time of this fall the top of said rough and uneven ridge of ice and snow was covered with a black sooty substance which somewhat blended with the general color and background of the cleared sidewalk before and after this place; that furthermore, upon examination of the area where the accumulation of ice and snow it was found that there was a defect in the sidewalk which contributed to the cause of the fall; that injury described herein in that at said place said Dixie Fulk fell is a water meter installation installed and maintained and read by the City of Asheville; that this water meter cover was and is now raised some two to three inches above the level and even portion of the sidewalk at that point and is not level with the sidewalk in that it slopes away to the north edge of the sidewalk; that as a result of said fall said Dixie Fulk was hospitalized in the Memorial Mission Hospital for ten days and incurred medical, hospital, X-Ray, laboratory, surgical supplies and drug expenses as well as temporarily destroying his earning power for about three to four months' duration.

4. That the amount of damages claimed by reason of such injury is FIVE THOUSAND ($5,000.00) DOLLARS.

This 6th day of March, 1961.

S/ Dixie Fulk
Dixie Fulk

Mr. Lamar Gudger, Attorney for Claimant.

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property fronting on the east margin of New Hanover Street.

May 3, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that the Commission recommend for rezoning from Neighborhood Trading Area and Residential RA-5 to Commercial, the following described area:

BEGINNING at the Southeast corner of the intersection of N. Hanover Street and Wilmington Street, being the Northwest corner of that portion of Lot 1, Sheet 7, Ward 6, Buncombe County Tax Maps, as now constituted, which is bound on the Western side by N. Hanover Street; thence along the Southern margin of Wilmington Street in an Easterly direction, across Seven Oaks Drive, to the Southwest corner of the intersection of Wilmington Street and Southwick Lane, being the Northeast corner of Lot 1½; thence in a Southerly direction along the Western margin of Southwick Lane to the Northwest corner of the intersection of Southwick Lane and Seven Oaks Drive, being the Southeast corner of Lot 243; thence in a Southerly direction across Seven Oaks Drive to the Northeast corner of Lot 245; thence in a Southerly direction along the Eastern line of Lot 245 to the Southeast corner of Lot 245; thence across Lot 2½ to a point on the Southern line of Lot

2½, 240 feet from Westwood Place, being the Northwest corner of Lot 3½; thence in a Westerly direction along the Southern line of Lot 2½ to the Southwest corner of Lot 2½; thence in a Northerly direction along the Western line of Lot 2½, 249, and 250, to a point in the Western bounds of Lot 250 which is the Northeast corner of Lot 231; thence in a Westerly direction along the Northern line of Lot 231 to a point on the Northern line of Lot 231 which is 150 feet, measured perpendicularly, from the Eastern margin of the right-of-way of N. Hanover Street; thence in a Southerly direction along an imaginary line 150 feet from said right-of-way to a point on the Northern line of Lot 23; thence in a Westerly direction to the Eastern margin of N. Hanover Street; thence in a Northerly direction along the Eastern margin of N. Hanover Street to the point of BEGINNING.

Councilman Morgan moved that the above recommendation be accepted by the Council, and that the Corporation Counsel be instructed to prepare ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held on May 25, 1961, which motion was seconded by Councilman Algary and unanimously adopted.

A petition signed by Turner Letterman and seven other property owners on Cane Street was presented, requesting the rezoning of this block of Cane Street from Business to Residential, which was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by twenty-eight property owners on Herron, Dunwell and Sluda Avenues was received opposing the rezoning of these said streets from residential to business district.

Ordinance No. 446, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1961 AND ENDING MAY 31, 1962, was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. John Giezentanner, representing a number of property owners on Dunwell and Herron Avenues, appeared before the Council stating that it was his understanding that Planning and Zoning Commission approval had been given the proposed rezoning under the impression that the Westside firm had options or purchase agreements for all the property sought; that the property owned by Mrs. Sue W. Taylor is proposed for rezoning and for inclusion in the shopping center, but that Mrs. Taylor has no intention of selling her home to the Westside firm, which statement was confirmed by Mrs. Taylor, who stated that she and a sister have a life interest in this property; that he did not think the shopping center could be developed without Mrs. Taylor's property, and asked that the petition be referred back to the Planning and Zoning Commission for review on this point.

The City Manager pointed out that referring this matter back to the Planning and Zoning Commission would void procedures to date, and that it would take up to six weeks to get it before the Council again.

Representatives of the Westside group advised that failure to obtain the Taylor property will mean construction of the shopping center with less space.

Following the discussion, Councilman Preslar moved that action on this matter be deferred until May 25, 1961 in order that the full facts in the case may be developed and presented to the Council, which motion was seconded by Councilman Sumner and unanimously adopted.

Councilman McRary introduced a resolution directing Mayor and City Clerk to execute leases on properties located near College and Rankin Streets for public parking lots, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book 4 at page 96.
Complete copies of leases will be found attached to original Resolution.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute right-of-way to Carolina Power & Light Company, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of Resolution will be found in Resolution Book 4 at page 97.
Complete copy of right-of-way will be found attached to original Resolution.

There being no further business, the meeting was upon motion adjourned.

Margaret Sumner
CITY CLERK

Thursday, May 11, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 11, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of the plat of "Section 1 of High Oaks", subject to City Council's approval of a 10' variance in the right-of-way width.

May 11, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled, "Section 1 of High Oaks", prepared by J. R. Reagan, Surveyor, for Mr. W. T. Fitts and dated April, 1961, shows the subdivision of real estate within the City of Asheville. The proposed High Oaks Drive intersects with White Pine Drive.

The plat has been reviewed by this Commission at its regular meeting held on May 3rd, 1961. The Commission has approved this plat, subject to City Council's approval of a 10' variance in the right-of-way width. The reason for this variance would be due to the fact that High Oaks Drive is an extension of an unnamed street that is below the minimum width, and that the proposed extension would ultimately be a cul-de-sac type turn around, adjoining subdivisions making the possibility of High Oaks Drive becoming a through street impossible.

In accordance with City Ordinance No. 424, this variance, if authorized, is required to be entered in writing in the minutes of the City Council and the reasoning on which this departure was justified set forth.

It is requested that this variance be considered and that this plat be given your approval.

Sincerely yours,

S/ John R. Hampton,
Planning Director

JRH:nr
BN AS - M 15.30
cc: Mr. Anthony Redmond

Following a discussion, Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, and that the 10' foot variance in the right-of-way width of High Oaks Drive be also approved due to the fact that this street is an extension of an unnamed street which is below the minimum width, and the proposed extension would ultimately be a cul-de-sac type turn around, adjoining subdivions making the possibility of High Oaks Drive becoming a through street impossible, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 446, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1961 AND ENDING MAY 31, 1962" was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 446

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1961 AND ENDING MAY 31, 1962

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations or doing the act named, or selling or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of June, 1961, to the thirty-first day of May, 1962, unless some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by September 1, 1961, 2% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of two (2%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve any party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbrokers	$1,000.00
2. Junk Dealers	$1,000.00
3. Electrical Contractors	$1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	$1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	$1,000.00
7. House movers	500.00

Section 5.

That whenever the word "person" is used in this ordinance, the same shall be construed to include "firms","companies", "corporations", and "associations".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance, a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any licenses until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1961, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; ir if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after Jan. 1, 1962 the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to

change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of the nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after a revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1961-1962, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegally or illegally operated the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 398 entitled "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1957 AND ENDING MAY 31, 1958", as recorded in City of Asheville Docket 33 of the Minutes of the Proceedings of the Council at pages 458 through 511 and a portion of 512, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City Council, at pages 90 through 143 and a portion of page 144, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein, together with all amendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under section of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore made, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective June 1, 1961.

I move the adoption of the foregoing ordinance, this the 27 day of April, 1961.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted by the Council on first reading, 27 day of April, 1961, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 4 day of May, 1961, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 11 day of May, 1961, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of June, 1961.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

The City Manager presented a report from the Municipal Board of Elections showing the result of the General Election held on May 9, 1961.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

May 10, 1961

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 9, 1961 the Municipal General Election for officials of the City of Asheville was held for the City of Asheville for the Democratic and Republican candidates for City Councilmen; and

WHEREAS, certificates of result of said General Municipal Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A. M. on May 10, 1961; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 16 city polling precincts for said General Municipal Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville, together with sworn statement tabulating such returns.

Yours very truly,

S/ Eugene P. Coston
Chairman

S/ Elizabeth R. Weaver
Secretary

S/ Irwin Monk

RESOLUTION RELATING TO THE CANVASSING
OF THE RETURNS OF THE GENERAL MUNICIPAL
ELECTION FOR SEVEN OFFICES OF COUNCILMEN
OF THE CITY OF ASHEVILLE HELD MAY 9, 1961,
AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville held on May 9, 1961 in the City of Asheville having been received from the Registrars and Judges of election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each Registrar and Judge for said General Municipal Election for seven offices of Councilmen of the City of Asheville held in the City of Asheville on May 9, 1961 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen of the City of Asheville in each precinct.

(c) That a protest regarding said election was filed with the Board, and also various persons were heard in connection with said protest, and the Board having determined from a thorough and complete investigation that the petiton and complaints were not sufficient to cause a change in the result of said election.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said General Municipal Election, and makes the following tabulations of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct, for each office, the name of each person voted for and the number of votes given to each person for each different office, and the totals of such numbers:

DEMOCRATIC PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8
William F. Algary	240	425	484	358	257	233	285	89
Earl W. Eller	243	415	486	363	269	246	288	88
J. Walter McRary	241	420	485	356	253	249	287	90
Clarence E. Morgan	243	416	481	354	254	250	286	92
Frank M. Mulvaney	237	424	477	352	254	243	282	86
Carter M. Preslar	244	413	488	357	254	233	290	89
Theodore B. Sumner	240	426	477	355	265	248	280	93

For Councilmen	9	10	11	12	13	14	15	16
William F. Algary	146	401	322	314	236	159	294	203
Earl W. Eller	147	401	323	317	239	161	294	202
J. Walter McRary	142	400	325	317	240	157	290	203
Clarence E. Morgan	141	400	325	315	237	162	291	202
Frank M. Mulvaney	149	400	322	314	240	165	299	198
Carter M. Preslar	143	400	326	315	238	156	285	196
Theodore B. Sumner	141	399	329	316	234	149	276	193

REPUBLICAN PARTY

PRECINCTS

For Councilmen	1	2	3	4	5	6	7
Richard F. Austraw	36	212	357	300	265	460	167
L. S. Clark	32	215	347	292	250	435	158
Frank B. Cole	34	209	347	298	267	426	160
Richard E. Dailey	32	213	348	299	271	438	160
Tom W. Davis	37	209	355	299	268	432	164
Ray H. Kimel	31	212	345	295	264	445	158
W. Eugene Ryon, III	35	206	353	305	263	439	162

For Councilmen	9	10	11	12	13	14	15	16
Richard F. Austraw	188	15	62	143	151	98	288	211
L. S. Clark	181	15	54	141	143	90	289	208
Frank B. Cole	188	15	51	148	141	91	290	208
Richard E. Dailey	190	15	56	142	146	87	292	209
Tom W. Davis	183	15	56	143	144	85	284	214
Ray H. Kimel	189	15	50	141	143	89	295	216
W. Eugene Ryon, III	189	16	48	142	151	96	307	224

Dated this 10th day of May, 1961.

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ Irwin Monk
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me, this 10th day of May, 1961.

Margaret Simmons
Notary Public

My commission expires:
Jan. 6, 1962
(Seal)

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men were officially elected to the office of City Council for the City of Asheville:

William F. Algary
Earl W. Eller
J. Walter McRary
Clarence E. Morgan
Frank M. Mulvaney
Carter M. Preslar
Theodore B. Sumner

Section 4. That the result of said election shall be published immediately by reading the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in tion 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Ma of the City of Asheville.

We, members of the Municipal Board of Elections of the City of Asheville, North Carol DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: "RESO

RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL MUNICIPAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE HELD MAY 9, 1961, AND DECLARING THE RESULT THEREOF", which was duly adopted on May 10, 1961 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 3, beginning at page 103 and ending at page 106, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 10 day of May, 1961.

S/ Eugene P. Coston

S/ Elizabeth R. Weaver

S/ Irwin Monk
Members of the Municipal Board of Elections of the City of Asheville

Councilman Sumner stated he would like for the City Manager to make a thorough investigation and give a full report to the public and the Council of the voting machine mixup in the General Election, and stated that whoever was responsible should never be allowed to have anything to do with a city electkon again, and that another man should be trained in the mechanics of voting machines, and made this in the form of a motion.

Councilman McRary seconded the motion, at which point Councilman Sumner said he meant his motion to include investigation of the City Board of Elections itself, and Councilman McRary stated that if this was what was meant he withdrew his second, because Election Board members are not mechanical experts on voting machines.

Following a discussion, the City Manager stated that with the approval of the Council he would get all the facts and report to the Council.

Councilman Sumner also brought up the matter of ice cream vending carts, stating that two children have been injured while going to or from these carts in the streets, and asked for action to require safer parking by the carts.

The City Manager said the Police Department has the needed authority, and will act to reduce this hazard.

The City Manager advised of an offer to purchase a tract of city-owned land on Riverside Drive just north of a tract sold recently at public auction to Farmers Cooperative Exchange, which offer is made by Mrs. F. Pate Andrews, who is renting the property at the present time. The City Manager said the purchase offer was based on an appraisal of $50 per front foot used as a yardstick in the previous sale.

Councilman Sumner stated he felt the city ought to get a better offer, and Councilman Preslar said that while the city could reject any and all bids made at the public auction he felt that the FCX plans to build a modern building on the site it purchased will be a substantial improvement and adjoining property may be worth a good deal more. Councilman Preslar stated he thought the Council should know what use will be made of the property sought to be purchased.

The Council referred this matter to the City Manager to develop further facts, and report to the Council.

Mr. Robertson Wall, appearing as attorney for Stencel Aero Engineering Corporation, appeared before the Council and asked for a decision on the proposal of said corporation to lease property at the new Asheville Airport for expanded facilities for the firm. Mr. Wall stated that the firm now employs 15 persons at its Black Mountain location and expects to secure other government contracts leading to a half-million dollar annual payroll; that the firm's expanded operations demand access to a modern airport, and that the firm's situation requires a quick answer to the lease request.

Councilman Preslar pointed out that the airport site sought may conflict with the still undetermined centerline location of Interstate Highway 26, and Councilman Sumner asked if a site further west on the airport tract would be acceptable.

The City Manager proposed that he meet Friday with the Stencel firm officials and airport engineers and report back to the Council next week, which suggestion was approved by the Council.

The City Manager advised that the State Stream Sanitation Committee has requested that this municipality, together with Biltmore Forest, Trustees of the Woodfin Sanitary Water & Sewer District, and the County Commissioners as trustees of the several Sewer Districts meet in Raleigh on Tuesday of next week to consider the final draft of the legislation as prepared by the Attorney General's office in regard to establishment of Metropolitan Sewerage Districts. The City Manager further advised that he has been informed by bond attorneys that any legislation involving sanitation must be statewide in scope.

The City Manager stated that he and other city staff members will make the trip, and invited any Councilmen who can make the trip to attend also, and advised that other concerned Buncombe parties will be notified immediately of this conference.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Monday, May 15, 1961 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 15, 1961 with retiring Mayor E. W. Eller presiding.

The invocation was rendered by Dr. Embree H. Blackard, pastor of Central Methodist Church.

The members of the City Council took the oath of office in a body, which oath was administered by the Honorable Zebulon Weaver, Clerk of the Superior Court as follows:

COUNCILMEN:
E. W. Eller
W. F. Algary
J. W. McRary
Frank M. Mulvaney
Carter M. Preslar
Theodore B. Sumner
C. E. Morgan

Mr. Eller announced that the next order of business is the election of Mayor.

Councilman Mulvaney nominated Mr. Eller as Mayor, which nomination was seconded by Councilman Preslar. Whereupon Councilman Morgan moved that the nominations be closed, which motion was seconded by Councilman McRary. Councilman Preslar asked that Mayor Eller be elected by acclamation, which was done by the Council.

Councilman Preslar nominated Mr. Frank Mulvaney as Vice-Mayor, which motion was seconded by Councilman Algary. There being no further nominations a vote was taken and Mr. Mulvaney was unanimously elected as Vice-Mayor.

Councilman Sumner, with praise for the efficient manner in which Mr. Weir has conducted the affairs of his office, nominated Mr. Weldon Weir as City Manager, which motion was seconded by Councilman Morgan. There being no further nominations a vote was taken and Mr. Weldon Weir was unanimously elected as City Manager.

Councilman McRary nominated Mr. O. E. Starnes, Jr. for Corporation Counsel, which motion was seconded by Councilman Mulvaney. There being no further nominations a vote was taken and Mr. O. E. Starnes, Jr. was unanimously elected as Corporation Counsel.

Councilman Morgan nominated Miss Margaret Simmons for City Clerk, which motion was seconded by Councilman McRary. There being no further nominations a vote was taken and Miss Margaret Simmons was unanimously elected as City Clerk.

Councilman Morgan nominated Mr. John L. Huntsman as Director of Civil Service, and Mr. Samuel J. Fisher as a member of the Civil Service Board, which motion was duly seconded. There being no further nominations a vote was taken and Mr. John L. Huntsman was elected as Director of Civil Service, and Mr. Samuel J. Fisher was elected a member of the Civil Service Board.

The oath of office was administered to the City Manager, Corporation Counsel and City Clerk by the Honorable Zebulon Weaver, Clerk of Superior Court.

Councilman Algary introduced a resolution designating banking depositories for city funds, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 98.

Councilman Sumner requested that deposits be divided as equally as possible among the designated banking depositories.

Councilman Mulvaney introduced a resolution designating the officers and employees who shall be required to give bonds for performance of their duties and setting amounts thereof, which was, upon motion of Councilman Morgan, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 99.

Councilman Preslar introduced a resolution prescribing the time and day of the weekly meeting of the City Council, which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 100.

Councilman Algary moved that the salaries of city officials and employees be continued at the present rate until further notice, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The minutes of the previous meeting were read and approved.

Mr. Weir expressed appreciation for the opportunity of serving with the Council again, stating that the Council can look with pride on the accomplishments of the past few years and plans which are now under way for the future economy of the city and this area. Mr. Weir also thanked the Council on behalf of the other administrative heads of the city for this opportunity, and announced that all administrative personnel are reappointed to their present positions for the new term.

The City Manager, as requested by the Council, presented a report regarding the recent General Election, and made recommendations to the Council regarding future elections.

May 15, 1961

MEMORANDUM TO THE CITY COUNCIL:

Application of election laws to voting machines, and the failure to have a clear understanding with the technician in charge of voting machines is the cause of the problem that developed in the May 9th voting.

Because of this experience, it is recommended that the City Council request the City Election Board to negotiate an agreement with officials of the Asheville Industrial Educational Center to assume responsibility for the use of voting machines in the future. This technical school could train many citizens in the skill of operating voting machines, and assign technicians at future elections on a fee basis.

It is further recommended that the City Council request the City Election Board in all future elections to place a voting machine in the lobby of the City Hall ten days prior to an election for test and demonstration. Such voting machine is to be an exact duplicate of the voting machines that are assigned to the respective precincts on the day of the election.

WS

Weldon Weir
City Manager

Councilman Sumner moved that the recommendations be approved and the Board be notified accordingly, which motion was seconded by Councilman Mulvaney. Councilman Preslar suggested that if the Industrial Center was not in position to carry out this responsibility that the Board could turn in another direction. Following the discussion the motion was unanimously adopted.

The City Manager advised that as proposed at last week's meeting a conference was held Friday morning with Stencel Aero Engineering Corporation representatives and attorneys and airport engineers, at which meeting a basic agreement was reached that it would be possible to locate an industry at the airport so that it would not interfere with airport operations or be in conflict with Interstate Highway 26 under a proposal that the property be appraised and the industry pay a rental of 6% annually based on the appraisal of the property; that an appraisal team has been agreed upon, and the appraisal will be made within the next few days, all negotiations to be subject to approval by the Council.

Councilman Sumner stated that the golf links in the north section of the city were not included in the recent annexation, and requested that the Corporation Counsel prepare the necessary ordinance to include said golf links in the city limits, or if any legislation is necessary for such action advise the Council in order that said legislation may be presented to the Legislature.

Councilman Morgan called attention to the fact that the portion of Woodfin Street in front of the YMCA is paved with brick, that said section is badly in need of repairs, and requested that said street be repaired without removing the bricks.

The City Manager advised that this street would be repaired as soon as possible.

ASHEVILLE AIRPORT - LEASE
TO UNITED STATES OF AMERICA
RELATING TO SPACE IN TERMINAL
BUILDING

The City Manager advised that the United States of America is desirous of leasing certain space in the Terminal Building at the Asheville Airport to be used as a training room for the Federal Aviation Agency Combined Station/Tower and quarters for Federal Aviation Agency Combined Station/Tower and Airways Technical Field Office.

Whereupon, Councilman Algary introduced a resolution directing Mayor to execute leases on behalf of the City with the United States of America relating to space in the Terminal Building located at the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 101.
Copy of leases will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 18, 1961 - 4:00 P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, May 25, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 25, 1961, at 4:00 o'clock P. M. with Mayor [illegible] presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Council received as information a resolution adopted by the Republican Women's Club protesting the action of the City Board of Elections in certifying results of the May 9th General Election following errors in setting the voting machines and calling for appointment of a new Election Board.

A communication was received from the Planning and Zoning Commission recommending the approval of a plat of Parkway Forest Subdivision, Section 3-A.

May 25, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat of "Parkway Forest Subdivision, Section 3-A", prepared by Thomas P. Heritage & Associates, for Pilot Construction Company shows the subdivision of real estate in the Oteen area.

The plat has been reviewed by this Commission at its regular meeting held on February 10th, 1960 and it is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

The Mayor announced that this is the date set for the re-hearing on the Dunwell Avenue and [illegible] Avenue re-zoning.

Mr. Albert Fortune, spokesman for Westside Corporation, made a report of progress since the hearing and advised that additional options have been obtained, and an appraisal has been made. However, Mr. Fortune advised that no agreement has been reached with Miss Sue Wells Taylor, but it was hoped that this could be worked out. Mr. Fortune asked that in the public interest the ordinance as prepared be adopted in spite of the position.

Mr. John Giezentanner, attorney for Miss Taylor and others, stated again that he believed the recommendation of the Planning and Zoning Commission was based on the securing of Miss Taylor's property by the Westside Corporation.

Due to the sudden illness of Miss Taylor action on this matter was deferred for one week.

The Mayor announced that this is the date set for the public hearing on the rezoning of certain property fronting on the east margin of New Hanover Street, as requested by John F. Shuford, attorney for the owners.

There being no opposition to said rezoning, Councilman Mulvaney introduced Ordinance No. 447 being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner stated that members of the Legislature have expressed a willingness to pass an act to include the Beaver Lake Golf Course in the city limits, and made a motion that the Council request the City Manager to get in touch with the proper persons and ask them to take care of this matter, which motion was seconded by Councilman McRary. Following a discussion, the motion was adopted by the Council, with Councilman Morgan abstaining from voting.

Councilman Morgan introduced a resolution appointing four members to the Library Board of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 102.

Councilman McRary introduced a resolution electing member of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 103

The City Manager reported that following an offer by Richard B. Ford, attorney for James W. Penland, to purchase certain property on Sheet 25, Ward 5, said lots were sold at public auction, and were bid in according to the terms of the offer, and recommends that said offer be accepted, no raised bid having been received.

Whereupon Councilman Mulvaney introduced a resolution directing Mayor and City Clerk to execute deed to Willis R. Penland and wife, Lucille B. Penland, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 104.
Copy of deed will be found attached to original resolution.

The City Manager advised that in order to develop further facts in regard to the offer by Mrs. Tate Andrews to purchase certain property on Riverside Drive Mrs. Andrews and her attorney, William Green, were present.

Mr. Green advised that the offer is based on the appraisal and public auction sale of adjoining property to Farmers Cooperative Exchange, and that the Tate firm, if successful in buying the property at the required public auction, would make substantial improvements including fencing and construction of a storage building.

Councilman Sumner stated that construction plans of the FCX should increase the value of adjoining property, and he did not think the offer of Mrs. Andrews was sufficient.

The matter of establishing a set-back line was also discussed.

Following the discussion, action was deferred on the offer until next week.

Councilman Algary reported that he has received numerous complaints on the pigeon nuisance, uncontrolled use of air rifles and tardy replacement of burned-out street lights, and parking meter feeding.

The City Manager advised that corrective action would be taken wherever possible.

Mayor Eller presented an invitation to the Council to attend the dedication ceremonies to be held in Morganton of the opening of Interstate Highway 40 from Hildebrand to Marion on May 26.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 1, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 1, 1961, at 4:00 o'clock P. M. with Mayor Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. M. Preslar, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request was received from P. G. Sellers to rezone that portion of Lot 8 3/4, Sheet 7, Ward 6, which lies to the south of Lot 9 from residential to business property, which request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Mr. Leo A. Bessette, Chairman of the Redevelopment Commission of the City of Asheville, requesting a meeting of the Council with the Commission at 2:30 p. m. on Thursday, June 22nd, and advising that Mr. Walter E. Keyes, Regional Administrator of the Housing and Home Finance Agency would be invited to attend such meeting.

The Council accepted the invitation to hold such a meeting.

Ordinance No. 447, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported that on the Dunwell and Herron Avenue rezoning both interested parties had requested the Council not to consider this matter at this meeting.

The City Manager advised that as instructed by the Council he had forwarded a request to the Buncombe County delegation to the General Assembly to enact legislation to annex the Beaver Lake Golf Course in the corporate limits of the City of Asheville, but had not as yet received a reply. However, the City Manager stated that he understood there was a news article in the afternoon paper to the effect that said delegation had issued a statement that the city has ample authority under existing laws to annex the Beaver Lake Golf Course property if the Council so desires.

The City Manager further advised that this put the matter back into the hands of the Corporation Counsel to prepare the necessary resolution.

Mr. William Green, attorney for Mrs. Tate Andrews, whose offer to purchase certain property on Riverside Drive is under consideration, introduced a contractor who explained the proposed improvements Mrs. Andrews plans to make on this property, and Mr. Green advised that the offer heretofore made is increased to $60.00 a front foot.

Following a discussion, Councilman Mulvaney introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 105.

The City Manager advised of an offer by the Farmers Cooperative Exchange to purchase a small angular piece of property adjoining the tract recently purchased by this corporation on Riverside Drive for the sum of $2,500, provided the Council will give FCX an easement for railroad spur track across city property beyond the east line of said ditch-bank to the present railroad tracks.

Following a discussion, Councilman Sumner introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 106.

Councilman Morgan introduced a resolution approving an agreement with the State Highway Co

for the sharing of expenses of acquiring right-of-way for the proposed limited access highway to run from ...erville, N. C. to the East-West Expressway within the City of Asheville, which was, upon motion of Councilman ...rgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 107.

Councilman Morgan introduced a resolution approving an agreement with the State Highway Commission for the sharing of expenses of acquiring right-of-way for NC 191 Connector from junction of Interestate Highways 26 and 40 to Patton Avenue, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 108.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Louis Lipinsky, Sr. and wife for operating off-street parking facility by city, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 109.
Complete copy of lease will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

...d Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 8, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 8, 1961, at 4:00 o'clock P. M. with Mayor ...N. Eller presiding. Present: Councilmen F. M. Mulvaney, C. M. Preslar, J. W. McRary, T. B. Sumner, City Manager ...lton Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Central Asheville Association, Inc. requesting a study of possible changes in street parking meter rates, citing abuse of the parking privileges by downtown employees, and asking for new rates of five cents per half hour and ten cents per hour.

The City Manager advised that this reopened the possibility of multiple charge meters, which were abolished some years ago as a result of an adverse legal ruling. However, the City Manager further advised that he understood a number of North Carolina cities have gone back to multiple charge meters, and that he would be glad to make a thorough study of the entire proposal.

A communication was received from the Planning and Zoning Commission recommending the rezoning of portion of Lot 8-3/4, Sheet 7, Ward 6 from RA-6 Residential District to Business District.

June 7, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that the Commission recommend for rezoning from RA-6 Residential to Business Area, the following described area:

That portion of Lot 8-3/4, Sheet 7, Ward 6, Buncombe County Tax Maps, as now constituted, which lies to the South of Lot 9, and would be South of an imaginary line extended from the Southeast corner of Lot 9 to the Northwest corner of Lot 7-3/4.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BH AS - N 15.25

The City Manager suggested that this amendment be considered at a time to coincide with other hearings on similar rezoning petitions, the City Clerk to set a date for said public hearing.

Upon motion of Councilman Preslar, seconded by Councilman Mulvaney, the City Clerk was so authorized.

...SERVICE BOARD
...SION

The City Manager presented the Annual Report of the Civil Service Board for the year 1960-61.

In regard to the proposed rezoning of property between Dunwell and Herron Avenues just north Haywood Road, Councilman Preslar stated that in view of other facts which have developed and plans which have changed, that he moved that this matter be referred back to the Planning and Zoning Commission for consideration which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 447, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 447

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

That the following described property be rezoned from Neighborhood Trading Area and Residence RA-5 to Commercial District:

BEGINNING at the Southeast corner of the intersection of N. Hanover Street and Wilmington Street, being the Northwest corner of that portion of Lot 1, Sheet 7, Ward 6, Buncombe County Tax Maps, as now constituted, which is on the Western side by N. Hanover Street; thence along the Southern margin of Wilmington Street in an Easterly direction, across Seven Oaks Drive, to the Southwest corner of the intersection of Wilmington Street and Southwick Lane, being the Northeast corner of Lot 1½; thence in a Southerly direction along the Western margin of Southwick Lane to the Northwest corner of the intersection of Southwick Lane and Seven Oaks Drive, being the Southeast corner of Lot 243; thence in a Southerly direction across Seven Oaks Drive to the Northeast corner of Lot 245; thence in a Southerly direction along the Eastern line of Lot 245 to the Southeast corner of Lot 245; thence across Lot 245 to a point on the Southern line of Lot 2½, 240 feet from Westwood Place, being the Northwest corner of Lot 3[illegible]; thence in a Westerly direction along the Southern line of Lot 2½ to the Southwest corner of Lot 2½; thence in a Northerly direction along the Western line of Lot 2½, 249, and 250, to a point in the Western bounds of Lot [illegible] which is the Northeast corner of Lot 231; thence in a Westerly direction along the Northern line of Lot 231 to a point on the Northern line of Lot 231 which is 150 feet, measured perpendicularly, from the Eastern margin of right-of-way of N. Hanover Street; thence in a Southerly direction along an imaginary line 150 feet from said of-way to a point on the Northern line of Lot 23; thence in a Westerly direction to the Eastern margin of N. Street; thence in a Northerly direction along the Eastern margin of N. Hanover Street to the point of BEGINNI[illegible]

Section 2. That the office of the City Engineer is hereby authorized and directed to make such changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, [illegible] or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of passage.

I move the adoption of the foregoing ordinance, this 25 day of May, 1961.

Frank Mulvaney
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 8 day of June, 1961, to become effective 23 day of June, [illegible]

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Sumner introduced a resolution declaring the intent of the Council of the City [illegible]

[illegible]ville to consider annexation of that property owned by Lakeview Properties, Incorporated and known as the Beaver Lake Golf Course.

Councilman Sumner stated that he had been advised that dues at said golf course have been increased to take care of any increase in taxes; that this property is surrounded completely by the City of Asheville with the exception of 600 feet in the northwest corner; that said property was taken out of the city at the request of the owners in 1947 with the understanding that a club house or hotel was to be constructed on the property, the attorney for the owners stating at that time if said building was not constructed the city could take this property back into the city by legislative enactment, which building has never been constructed; and that in 1947 the Council did not oppose said bill.

Councilman Sumner further stated that this Council recently requested the Legislature to take this property back into the city by legislative enactment, and was advised that the Council has the authority to do this, and that he thinks the Council should do what it has asked the Legislature to do; that the Asheville Country Club is within the city limits; that it was the understanding that the Beaver Lake Golf Course was also to be taken in by the present annexation; and that it was thought said golf course had been included until it was found an error had been made in not taking it in.

Following a discussion, there was no second to the resolution, and no action was taken by the Council.

The City Manager advised that the Thoroughfare Plan prepared by Wilbur Smith and Associates had been completed, and could be presented on Wednesday, June 14th, at 3:00 if agreeable with the Council. The City Manager further advised that the Metropolitan Planning Board and officials of the State Highway Commission would be present at said time, and that the land use plan prepared by the Metropolitan Planning Board would also be presented.

The Council agreed to said meeting, and it was suggested that the possibility of air conditioning the Council Chamber be investigated.

The City Manager presented a report on substandard housing, and advised that five houses have been razed with the consent of owners; that the house at 24 Baird Street is in process of being razed under the ordinance setting up this procedure; and that other houses which have been condemned will from time to time be razed under the provisions of said ordinance.

Councilman McRary again brought up the question of rebinding books in the Sondley Reference Library, and was advised by the City Manager that this item will be included in the proposed budget to be presented to the Council within the next few weeks.

Councilman Mulvaney introduced a resolution authorizing Mayor to sign agreement with United States of America releasing the City of Asheville from obligations in connection with the Asheville-Hendersonville Airport, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 110.
Copy of agreement will be found attached to original resolution.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, June 15, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 15, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, J. L. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

In regard to the Beaver Lake Golf course Councilman McRary stated that at the time Councilman Sumner presented his resolution he wanted to satisfy himself concerning this matter, and now if Councilman Sumner wished to reintroduce the resolution at this time he would second it.

Councilman Sumner stated that he did not have the resolution with him, but would present it at the next meeting.

Councilman Morgan introduced a resolution approving application of manufacturer of glass and/or glass products for use of water in excess of three million gallons per month, and establishing rate therefor pursuant to ordinance #432, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 111.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1961-62 as prepared by the City Manager, and the same was placed on file for public inspection in the office of the City Clerk.

Upon motion of Councilman Algary, seconded by Councilman McRary, the City Clerk was directed to pub-

lish Notice of Presentation of Budget Estimate.

The City Manager advised that the law required this Budget Estimate to remain on public inspection for twenty-one days, and that the ordinance could be considered any time after July 6th. The City Manager further advised that a full conference would be arranged for the Council to go into this matter.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 22, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 22, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Summer again introduced a resolution declaring the intent of the Council of the City of Asheville to consider annexation of that property owned by Lakeview Properties, Incorporated and known as the Beaver Lake Golf Course and repeated his earlier arguments regarding said property, which resolution was seconded by Councilman McRary.

Councilman Morgan stated that he did not wish to go along with the resolution, since the owners of this property had petitioned to remain outside the corporate limits in compliance with the legislative act authorizing said annexation.

The City Manager read the pertinent portion of the legislative act, and presented a map showing the Beaver Lake Golf Course and where the city boundary bisected said property.

Councilman McRary expressed the view that both golf courses should be treated alike, and that if this resolution failed he thought a resolution should be introduced taking the Asheville Country Club out of the city limits.

Councilman Algary stated he did not think this piece of property should be discriminated against since the owners had petitioned to stay out.

Following the discussion, a vote was taken and said resolution did not carry.

Councilman McRary introduced a resolution appointing members of Boxing and Wrestling Commission for the City of Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 112.

Councilman Morgan introduced a resolution appointing members of Board of Electrical Examiners, members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 113.

Mr. Henry C. Fisher, attorney for L. H. McCord, appeared before the Council with questions regarding the disposition of school bond funds, and was advised that the City Council has no jurisdiction over these funds and his questions should be directed to the City or County School Boards or the Board of County Commissioners.

The Council discussed briefly the Urban Renewal Plan, Civic Redevelopment Project N. C. R-1, which had been presented to the Council at an earlier conference.

The City Manager advised that the problem of meeting the city's share of project costs should be thought of in terms of a total program of capital improvements, exclusive of the sewage disposal plans, said improvements including funds for highway rights-of-way and construction of new fire stations.

Councilman Preslar suggested that the City Manager prepare a comprehensive report on the total capital improvements program, and the City Manager stated he would be glad to prepare this at an early date, how

Councilman Preslar stated he would also like to know/much flexibility there is in the proposed land use plan, since no alternative plan has been presented, and that he thought this whole matter should be given a thorough study.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, June 29, 1961 - 4 o'clock P. M.

The City Council met in regular session Thursday, June 29, 1961 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

CIVIC REDEVELOPMENT PLAN -
SUPPORTED BY ASHEVILLE
MUSIC CLUB

A communication was received from Mrs. Robert S. Carroll, representative of the Asheville Music Club to the Civic Arts Center Group, offering support of the proposed civic center redevelopment project north of the City-County Plaza.

POLICE COURT - APPOINTMENT OF
SUBSTITUTE JUDGE - Morgan moved
to approve (Lawford)

Councilman Morgan introduced a resolution appointing Substitute Judge of the Police Court of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 114.

STATE HIGHWAY CONNECTIONS -
CHANGES IN STATE HIGHWAY SYSTEM
IN CITY OF ASHEVILLE, Hill Street
and Riverside Drive

Councilman Mulvaney introduced a resolution approving changes in the State Highway System in the City of Asheville as requested by the North Carolina State Highway Commission, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 115.

ORDINANCE NO. 448 -
INTERIM APPROPRIATION
ORDINANCE

Councilman Preslar introduced Ordinance No. 448, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

CHARTER REQUIREMENT THAT
ORDINANCE BE READ ON THREE
SEPARATE DAYS - DISPENSED WITH

Councilman Morgan moved that the Charter requirement that the Ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Preslar and unanimously adopted.

ORDINANCE NO. 448 -
INTERIM APPROPRIATION
ORDINANCE

Ordinance No. 448, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 448 -
INTERIM APPROPRIATION
ORDINANCE

Ordinance No. 448, being "INTERIM APPROPRIATION ORDINANCE" was, upon motion of Councilman Preslar, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 448

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1961 to the date of the adoption of the 1961-1962 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1960-61 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1961-62 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1961-62 Ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 29th day of June, 1961.

C. M. Preslar
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 29th day of June, 1961, to become effective 30th day of June, 1961.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

A petition signed by Mrs. Jean Carboy Condon was presented by I. B. Hudson, Jr., Attorney, requesting Council to make a determination that Robinson Avenue (northwest corner of intersection of Larchmont Road and Merrimon Avenue) would not be opened and that quit-claim deed, after advertisement, be made to Mrs. Condon at the cost of the petitioner pursuant to N. C. General Statute 153--3.

A petition signed by W. S. Harrison and Perry M. Alexander, Jr., was presented requesting that an unopened portion of Saratoga Street (formerly East Broad Street) not be accepted by the city. The City Manager pointed out that the action required of the Council in this matter is identical with that required by the Condon petition presented by I. B. Hudson, Jr., Attorney, and it was his recommendation that these two matters be acted upon jointly, whereupon a motion was made and unanimously adopted that the City Clerk advertise as required by N. C. General Statute 153-3 and after this course is followed the matter would be acted upon by the Council at a later date.

A letter was presented by Shelby Horton, Jr., Attorney, signed by several residents requesting that Lots 65, 66, 67, 67¼, 67½, 136 and 67-3/4, Sheet 20, Ward 6 be rezoned to Commercial classification.

This request was referred to the Planning and Zoning Commission for study and recommendation.

There being no further business the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, July 6, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 6, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was presented by Meadow Road Corporation requesting that South Commerce Street be opened to public use.

The City Manager explained that South Commerce Street parallels Meadow Road and was dedicated for public use many years ago at the time this land was developed, but no request has been presented to the Co to accept said street and it has not been used as a public street. The City Manager further advised that there very little work to be done to make said street usable as a public street, and recommended that it be accepted a part of the city street system.

The Council discussed this matter, Councilman Sumner suggesting that the street be given another name, since there is a Commerce Street in the downtown section of the city, and Councilman McRary suggesting said street be opened all the way through. The City Manager stated he would explore both possibilities.

Following the discussion, Councilman Algary moved that said street be accepted as a part of the city street system, which motion was seconded by Councilman Sumner, and unanimously adopted.

A petition was presented by Sunset Mountain Company and certain other property owners request the city to include the top areas of Sunset Mountain known as "Sunset Summit" within the corporate limits of the City of Asheville.

The City Manager advised that there are two methods by which property may be included within corporate limits; that the Corporation Counsel should determine the legal approach, and that the Engineering Department should develop information as to what would be required to service the area. The City Manager explained the policy of the city in regard to utilities and paving, and that the plat had to be approved by the Planning and Zoning Commission and the City Council.

The Council referred this matter to the City Manager to develop all of the facts in regard to said requested annexation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 13, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 13, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, C. M. Preslar, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of Plat of Parkway Forest Subdivision, Section Three-B.

July 13, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled, "Parkway Forest Subdivision, Section Three-B", prepared by Robert E. Wilson, R.L.S., for Pilot Construction Company and dated June, 1961, shows the subdivision of real property in Oteen.

The preliminary plat has been reviewed by this Commission at its regular meeting on February 10th, 1960. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
W 15.30 - BN AS

S/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager brought to the attention of the Council that due to National Electrical Code changes, and a State law passed by the 1957 General Assembly requiring approval of all building codes, ordinances, etc. by the State Building Code Council, it is necessary for the present Electrical Ordinance #390 which was passed on June 7, 1956 to be revised. The City Manager advised that on July 11, 1961 the State of North Carolina Building Code Council approved a proposed ordinance, which also has the approval of the Buncombe County Electrical League, and said revised ordinance is presented to the Council with the hope that it will be referred to the Corporation Counsel for study and presentation to the Council for future action.

Following a discussion, Councilman Mulvaney so moved, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager advised that Tuesday of next week has been set aside for a conference on the budget which has heretofore been presented to the Council, and it is hoped that the Budget Ordinance may be enacted on next Thursday.

Councilman Algary advised that this is the 165th year in which Asheville has been incorporated as a city, and that the Asheville Merchants Association is planning a celebration on August 4th and 5th in honor of this occasion, and outlined the plans for a parade, exhibits, etc. commemorating the event. Councilman Algary invited the City to join in with the Merchants Association in this observance to be known as Asheville Pioneer Days.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 20, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 20, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request from J. Thomas Butler asking that Lots 92½ and 92½, Sheet 15, Ward 7 be rezoned from residential to Neighborhood Trading was received.

A request from W. D. Tomlinson asking that Lots 98 and 99, Sheet 4, Ward 2 be rezoned was received.

The above requests were referred to the Planning and Zoning Commission for study and recommendation.

a resolution passed by the Redevelopment Commission of the City of Asheville was received, [illegible] changes in the plan for Civic Redevelopment Project N. C. R-13 as recommended by the Council, [illegible] elimination of the Bank of Asheville property on College Street from the project area; requesting authority for the Council to submit plan as modified to the Housing and Home Finance Agency for approval; and urging the Council to take such steps as necessary or appropriate to provide the City's share of financial assistance [illegible] project costs.

The matter was discussed by the Council, and it was suggested by the City Manager that this matter be considered and acted upon at a later date.

Following the discussion, Councilman Algary moved that this matter be taken under advisement, which was seconded by Councilman Mulvaney and unanimously adopted.

Councilman McRary introduced resolution directing Mayor to execute deed to Farmers Cooperative Exchange Incorporated, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 116.
Copy of deed and indenture will be found attached to original resolution.

Councilman Sumner introduced resolution directing Mayor to execute deed to Elizabeth W. Andrews, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 117.
Copy of deed will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing establishment of two additional liquor control stores, and possible relocation of West Asheville store, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 118.

Councilman Preslar introduced a resolution requesting the Board of County Commissioners of Buncombe County to create a Metropolitan Sewerage District to include the City of Asheville, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 119.

Councilman Preslar introduced a resolution commending Carolina Power and Light Company on its [illegible] program for this section North Carolina, which was, upon motion of Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 120.

Councilman Morgan introduced Ordinance No. 449, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1961-62", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. Paul J. Smith, attorney for Harry L. Freemen and Biltmore Iron & Metal Co., presented a petition requesting the Council to reconsider its action of July 6, 1961 accepting the dedication for public use of South Commerce Street off Meadow Road, and contending that his clients and others with property abutting the previously unopened street have substantial rights through adverse possession of the unused thoroughfare.

The City Manager stated that it was the policy of the city to accept streets for public use

request, and it was his opinion Mr. Smith should request the city to abandon said street as a public street.

Mayor Eller asked if any member of the Council wished to make a motion rescinding the action taken July 6th, and, in the absence of such motion, declared the matter closed

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, July 27, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 27, 1961, at 4:00 P. M. with Mayor C. W. [illegible] presiding. Present: Councilmen J. W. McRary, T. B. Sumner, C. A. Morgan, W. F. Algary, City Manager Weldon [illegible] and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

In regard to South Commerce Street, the City Manager reported that following a conference with interested parties an agreement had been reached as to cleaning off the right-of-way and removing the gates which would open the street up to the building line, and that there will be further conferences regarding this matter.

A letter was received from Douglas A. Reed resigning as a member of the Asheville School Board.

Councilman Morgan moved that this resignation be accepted with regret, and that a letter be written Mr. Reed expressing appreciation for his services, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Morgan introduced a resolution appointing member of Asheville School Board, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 121.

A letter was received from E. C. Hubbard, Director of the Division of Stream Sanitation & Hydrology of the State Stream Sanitation Committee, acknowledging receipt of copy of letter to County Commissioners and resolution passed by the Council on July 20th, and offering assistance in this matter when needed.

This was received as information by the Council.

Ordinance No. 449, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1961-62", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 122.

The Council directed that a letter be sent to the family of Mr. Moore Bryson expressing condolences and appreciation for his services on the Redevelopment Commission and other civic activities.

Councilman Algary introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Sunset Mountain Company, Inc. and others, which was, upon motion of Councilman Algary, seconded by Councilman McRary, adopted, with Councilman Morgan abstaining from voting.

Complete copy of resolution will be found in Resolution Book #4 at page 123.

The City Manager made a report of progress on construction of the new 36" water transmission line.

"Under the provisions of the specifications that awarded Phase I for construction of the new 36" water transmission line from North Fork dam to in-town storage reservoirs, Phase II of this project has been awarded

...contractor was the successful bidder on Phase I, C.F.W. Construction Company, Inc., upon the recommendation of our consulting engineers, Geas. T. Main, Inc., and an approved schedule of delivery of pipe has been accepted. The contractor is committed to complete the project in 150 working days, or about February 19, ...

"I am pleased to report that all of the 36" pipe of Phase I of this project has been installed. ... pipe are now ... at the Bee Tree Junction and the North Fork impounding dam. It is expected that tests will be made under pressure within the next few days, and the new installation will be accepted ... Junction, which will provide an additional 3,000,000 gallons of water each day to our ...

... no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, August 3, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 3, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. M. Preslar, P. ... Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Frank Ford and Otto Hahn, Jr. offering to purchase 150 feet of front along Riverside Drive adjacent to and down stream from the Andrews property at a price of $60.00 per front foot.

In connection with the above offer Councilman Morgan introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 124.

A communication was received from the Planning and Zoning Commission recommending approval of plat of Derwood Brown property in Haw Creek.

August 3, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by Carter and Bearden, Engineers, for Mr. Derwood Brown and dated August, 1961, shows the subdivision of real estate in the Haw Creek area.

The above described plat has been reviewed by this Commission at a regular meeting held on August 2nd, 1961. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
BN AS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Preslar moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that Lots 98 and 99, Sheet 4, Ward 2, remain as now zoned.

August 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter.

It was moved, seconded, and unanimously passed that the Commission recommend that the subject property, Lots 98 and 99, Sheet 4, Ward 2, remain as it is now zoned.

Sincerely yours,

AR:nr
BN AS - N 15.25
(16-17)

S/ Anthony Redmond
Anthony Redmond,
Secretary

This recommendation was accepted as information by the Council.

A communication was received from the Planning and Zoning Commission recommending that Lots 92½, and 93½, Sheet 15, Ward 7, remain as now zoned.

August 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that the subject property, Lots 92½, and 92½, Sheet 15, Ward 7, remain as it is now zoned.

Sincerely yours,

AR:nr
BN AS - N 15.25
(61-16)

S/ Anthony Redmond
Anthony Redmond,
Secretary

This recommendation was accepted as information by the Council.

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property at or near the new Leicester Highway and the Southern Railroad near its intersection with the Old County Home Road be rezoned from Neighborhood Trading area to Commercial District.

August 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend for rezoning from Neighborhood Trading area to Commercial, the following described area:

Beginning at the intersection of the Southern corner of Lot 65½, the New Leicester Highway, and Southern Rail Road Right-of-Way, as s own on Buncombe County Tax Maps, Ward 6, Sheet 20, as now constitituted, and proceeding in a Northwesterly direction along the Southern edge of the New Leicester Highway to a point 500', measured perpendicularly, from the center line of the Southern Rail Road Right-of-Way; thence in a Southwesterly direction along a line 500' from said Right-of-Way, through Lots 72½ 67½, across the Old County Home Road, through Lots 9½ and 117, to a point on the Western bounds of Lot 117, which is 500' measured perpendicularly from the said Right-of-Way and is on Smith Mill Creek; thence in a Southerly direction with Smith Mill Creek along the Western bounds of Lots 117, 116, and through Lot 115 to the Southern Rail Road Right-of-Way; thence in a Northeasterly direction along the said Right-of Way to the point of Beginning.

Sincerely yours,

AR:nr
BN AS N 15-25
(61-18)

S/ Anthony Redmond
Secretary

The above recommendation was accepted by the Council, and Councilman Mulvaney moved that the Corporation Counsel be instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same, which motion was seconddd by Councilman McRary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that no changes

be made at this time in the Zoning Ordinance as it is now constituted, unless it is the desire of City Council to so amend the Zoning Ordinance as to remove from it any reference to signs or the use of land and buildings for sign purposes and to enact in a separate ordinance such regulations as it might propose having to do with signs alone.

August 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission accept and incorporate into its recommendations the attached report of a Special Committee studying proposed changes in the Zoning Ordinance respecting signs.

It is recommended at this time that no changes be made in the Zoning Ordinance as it is now constituted, unless it is the desire of City Council to so amend the Zoning Ordinance as to remove from it any reference to signs or the use of land and buildings for sign purposes and to enact in a separate ordinance such regulations as it might propose having to do with signs alone.

Sincerely yours,

AR:Nr
BN AS - n 15.25

S/ Anthony Redmond,
Secretary

August 2, 1961

REPORT OF COMMITTEE ON CHANGES IN
ZONING ORDINANCE RESPECTING SIGNS

Your committee has given careful consideration of proposals to amend the zoning ordinance for the purpose of better regulating the use of land or buildings for signs.

After weighing all factors involved in these proposals, and having in view particularly the practical aspects of enforcement of regulations dealing with signs, your committee is of the opinion that the proposed changes recommended by the planning staff represent a most satisfactory way to deal with the regulation of signs, but it is fearful that if such a proposal is enacted, its enforceability might be difficult. For this reason, the committee recommends at this time that no changes be made in the zoning ordinance as it is now constituted, unless it is the desire of City Council to so amend the zoning ordinance as to remove from it any reference to signs or the use of lands and buildings for sign purposes and to enact in a separate ordinance such regulations as it might propose having to do with signs alone.

In connection with the above recommendation of the Planning and Zoning Commission Councilman Preslar introduced Ordinance 450, being "AN ORDINANCE REGULATING ERECTION OF SIGNS ALONG THE CROSS-TOWN EXPRESS

Councilman Sumner stated that he would like to see an ordinance passed covering all of the highways in the city, and that he intends to bring in such an ordinance at a later date when legal descriptions have been worked out.

Miss Monimia MacRae stated she wanted to see all signs throughout the city eliminated except selected entrance highway points, and further requested the Council to establish a special commission to regulate signs and billboards. Others who spoke in favor of rigid sign controls included Mrs. Hugh Stanard, Mrs. Charles E. Waddell and Mrs. Paul Rockwell.

Councilman Algary pointed out that the Federal Government has provided funds for a bonus to states which prohibit such signs, but that only three states have taken advantage of this.

Mayor Eller stated that the establishment of said commission would be taken under advisement and following the full discussion ORDINANCE 450, was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 449, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1961-62", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 449

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1961-62

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1961 and ending on June 30, 1962, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$317,272.17	
	23,532.80	
Law	58,853.20	
Finance	160,666.00	
Aviation	1,342,691.49	
Public Safety	134,981.30	
Libraries	1,067,538.04	
Public Works	200,938.00	
Parks and Playgrounds	6,469.00	
Civil Service		
Total General Operating Fund		$ 3,312,942.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,215,610.60	1,215,610.60

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 686,194.00	
Water Refunding Bonds	230,000.00	
Water Bond Issue 1951	196,704.00	
Water Bond Issue 1961	300,000.00	
Airport Bond Issue 1 and 2	138,524.00	
Total Debt Service Fund		1,551,422.00
TOTAL APPROPRIATIONS		$6,079,974.60

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1961 and ending on June 30, 1962 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 919,482.00	
Other Revenues as follows:		
License & Privilege Taxes	194,200.00	
Payment in Lieu of Taxes	400,000.00	
Fees	74,850.00	
Parking Meter Fees	78,000.00	
Court Costs	71,000.00	
Rents	78,200.00	
Income from Parks	46,000.00	
Miscellaneous	106,500.00	
Contribution from State Rev. Dept.	70,000.00	
Contribution from State St. Fund	300,000.00	
Contribution from Housing Authority	15,000.00	
Contribution from ABC Stores	612,000.00	
Riverside Cemetery	18,000.00	
Aviation	160,710.00	
Current Year's Poll Tax and Taxes Other Than Current Year's Property Tax and Other Than Hereinbefore Itemized	169,000.00	
TOTAL GENERAL OPERATING FUND		$3,312,942.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,215,610.60	1,215,610.60

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 824,718.00	
Water and Other Charges from Water Department	726,704.00	
TOTAL DEBT SERVICE FUND		1,551,422.00
TOTAL ESTIMATED REVENUES		$6,079,974.60

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1961, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.8066
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.7234
Total rate per $100 of valuation of taxable property	1.53

The rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of

$114,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 20 day of July, 1961.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 3 day of August, 1961, to become effective 3 day of August, 1961.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager announced that today is the date set for the public hearing on the petition to close a portion of Saratoga Street in Ward 6, and upon the petition to close Robinson Avenue in Ward 9, and that all parties in interest have been notified.

There being no objection to the closing of a portion of Saratoga Street, Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a portion of Saratoga Street in Ward 6, Asheville Township, Buncombe County, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 125.

There being no objection to the closing of Robinson Avenue, Councilman McRary introduced a resolution authorizing abandonment and closing and disclaiming any public interest in Robinson Avenue, Ward 9, Asheville Township, Buncombe County, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 126.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 10, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 10, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the General Outdoor Advertising Company regarding the ordinance regulating outdoor advertising on the expressway.

Ordinance No. 450, being "AN ORDINANCE REGULATING ERECTION OF SIGNS ALONG THE CROSS-TOWN EXPRESSWAY", was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary introduced a resolution directing Mayor and City Clerk to execute lease with Mrs. Dorothy J. Morgan and husband, and Joseph A. Johnson and wife, on property located near Walnut and Rankin Streets for public parking lot, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 127.
Complete copy of lease will be found attached to original resolution.

The City Manager advised that today is the day set for the public hearing on the request of Forest Mountain Company, Inc., S. Clinton Minnich, Jr., Marian B. Minnich, Mildred W. Lurey and Milton Lurey, that certain property be annexed to the City of Asheville, and notice having been published as required by law, Councilman Mulvaney introduced Ordinance No. 451, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY".

There being no objection, said ordinance was passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Preslar voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan abstained from voting
Mayor Eller voted "aye"

The City Manager advised that as requested by the Council that an appraisal had been made of city-owned surplus land on the Asheville Airport Tract, and that the firm of Davis and Davis Realty Co. of Charlotte, specialists in airport property values, had been employed for this purpose.

The City Manager introduced Mr. Davis, who presented the appraisal in which it was strongly recommended that an industrial park be developed on this property. Mr. Davis stressed the need for a planned program of site improvements by the city, and strict regulations governing land use.

The City Manager stated that the matter of zoning could be handled through normal procedure, and that the Council's first official step, if the Davis plan is approved, would be a request to the Planning and Zoning Commission to zone the property in line with the suggested development.

Mr. Robertson Wall discussed the area recommended for industrial with runway access use.

Mr. Sanford Brown, attorney for Mary Lou Shipman, presented a claim for damages for personal injuries in the amount of $3,000.00, which claim was referred to the Corporation Counsel for investigation.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

NOTICE OF CLAIM

To the Honorable Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned, Mary Lou Shipman, of Old Hendersonville Road, Fletcher, Henderson County, North Carolina, by and through Sanford W. Brown, her attorney, pursuant to Section 149 of the City Charter of the City of Asheville, hereby claims and demands damages of City of Asheville as the result of personal injuries sustained by her on the 6th day of March, 1961, on a public street in said City, to-wit: on the Southeast corner of the intersection of Haywood Street and North French Broad Avenue in said City, as follows: by slipping on the badly sloping, broken and wobbling surface over the storm sewer inlet under the sidewalk on the North side of Haywood Street and the East side of North French Broad Avenue, at the intersection of said street and avenue, and being caused thereby to fall downward into said broken and enlarged storm sewer inlet and to fall forward bodily into said North French Broad Avenue in the Westward direction in which she was proceeding on said occasion; and that as a result thereof the undersigned claimant received the following injuries: A sprain and strain of the lumbosacral region and left adductor muscle of her back, from which claimant has been disabled from said date and sustained said injuries to the date of the giving of this Notice and continuing.

The dangerous condition which was the cause of the above described accident resulted from the negligence of the City of Asheville; and, that, as a consequence of the negligence of the City of Asheville in permitting the aforestated broken, loose, and unsteady condition to occur and remain in its said sidewalk at said place after having notice thereof or of which it would have had notice by its reasonable periodic examination and repair of its said sidewalk and street at said place, and said City by its said failure to examine and repair said condition prior to claimant being injured from same has greatly damaged the undersigned claimant, temporarily destroyed and permanently lowered her earning power, caused her to incur expenses for medical attention, great inconvenience, pain, and suffering, in the sum of Three Thousand ($3,000.00) Dollars.

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her counsel, and respectfully requests payment of same.

S/ Mary Lou Shipman
Claimant
Sanford W. Brown
Attorney for Mary Lou Shipman

Mr. Sanford W. Brown appeared before the Council to present arguments in favor of securing Tennessee Valley Authority power service for Asheville and the western North Carolina counties in the TVA area.

The Mayor advised this would be taken under consideration.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, August 17, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 17, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, J. W. Algary, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Asheville Industrial Council commending the Council upon the approach made to question of developing surplus land adjacent to the new airport, and offering its services in helping to carry out such an objective.

In answer to a question by Mrs. Julian A. Woodcock, Jr., the City Manager explained the provisions of Ordinance No. 450 which gives property owners the legally necessary right of appeal, and following discussion Ordinance No. 450, being "AN ORDINANCE REGULATING ERECTION OF SIGNS ALONG THE CROSS-TOWN EXPRESSWAY," was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously passed on its third and final reading, with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 450

AN ORDINANCE REGULATING ERECTION OF SIGNS ALONG THE CROSS-TOWN EXPRESSWAY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. No person, firm or corporation shall erect, or cause to be erected, any outdoor advertising by means of ground sign boards, roof signs, wall signs or any similar advertising structures within hundred feet of the public right-of-way as contained in State Highway Project i.19030, Buncombe County, known denominated as the Cross-Town Expressway, extending from the eastern end of the Smoky Mountain Bridge, on Patton Avenue. eastwardly through the city to a point near the western end of the Beaucatcher Tunnel, until the application for erection thereof shall first have been submitted to and approved by the Council of the City of Asheville. Reference is hereby made to the plat of State Highway Project 8.19030 above referred to on file in the office of the City Engineer, City Hall, Asheville, North Carolina for a more particular description of said right-of-way.

Section 2. Application for a building permit for the erection of any sign described in the next preceding section shall be made in the Department of Public Safety of the City of Asheville. Applicant shall be given five days notice prior to the consideration of said application by the City Council, so that said applicant, or anyone in his behalf, may be heard.

Section 3. Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine not to exceed $25.00. Each day said violation continues shall constitute a separate offense.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed

Section 5. This ordinance shall take effect and be in effect from and after fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 3 day of August, 1961.

C. M. Preslar
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 17 day of August, 1961, to become effective 2 day of September 1961.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman McRary introduced a resolution authorizing City Manager to execute Supplemental Agreement No. 1 to License No. FA2-2289 for Federal Aviation Agency visual glide slope indicator lights in approach light system at Asheville Airport, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 128.
Complete copy of Agreement will be found attached to original resolution.

Councilman Morgan introduced a resolution authorizing Mayor to execute lease with Mary Hanford McIntyre for operating off-street parking facility by city, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 129.
Complete copy of lease will be found attached to original resolution.

Ordinance No. 451, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY AN ...ING CERTAIN PROPERTY, was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan abstained from voting
Mayor Eller voted "aye"

Councilman Mulvaney introduced a resolution electing members of the Planning and Zoning Commission ...f the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously ...opted.

Complete copy of resolution will be found in Resolution Book #4 at page 130.

Councilman Preslar introduced a resolution appointing member of the Redevelopment Commission of ...e City of Asheville, which was, upon motion of Councilman Preslar, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 131.

Councilman Sumner introduced a resolution approving the resolution of the Redevelopment Commission ...f the City of Asheville dated July 20, 1961 and as amended by further resolution of the Redevelopment Commission dated ...gust 15, 1961, all concerning the Civic Redevelopment Project Known as N.C. R-13.

The City Manager called attention to the fact that the question of zoning this property would come ...ck to the Council and would be handled through the normal procedure of referring to the Planning and Zoning Commission, receiving receiving recommendations of said Commission, and amendments to the Zoning Ordinance. Councilman Preslar ...r questioned as to when this zoning would be handled, and the City Manager advised it would be after the property was ...quired by the Redevelopment Commission. Question was also raised as to the boundaries of the project, and the City ...nager advised the project could be amended at any time with the approval of the Housing and Home Finance Agency.

Following the discussion, said resolution was, upon motion of Councilman Sumner, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 132.

There being no further business, the meeting was upon motion adjourned.

...YOR

Margaret Simmons
CITY CLERK

Thursday, August 24, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 24, 1961, at 4:00 o'clock P. M. with Vice-...yor P. M. Mulvaney presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. M. Preslar, C. E. Morgan, City ...nager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An offer was received from L. F. Embler to purchase certain frontage on Riverside Drive for the sum ...$60.00 per front foot.

Following a discussion of the above offer, Councilman Morgan introduced a resolution authorizing City ...nager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon ...tion of Councilman Morgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 133.

...ALTY PROPERTY," WAS, upon motion of Councilman Mulvaney, seconded by Councilman Algary, passed on its third and final ...ding with the following vote:

Councilman McRary voted "aye" Councilman Sumner voted "aye"
Councilman Preslar voted "aye" Councilman Morgan abstained from voting
Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 451

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owners of all the property hereinafter described and annexed to the City of Ashe-ville have signed a petition requesting the governing body of the City of Asheville to annex such territory, whi- petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circu- tion in the municipality at least ten days prior to the date of the public hearing describing by metes and bound- the territory to be annexed, thus notifying the owners of the property located in such territory that a session the legislative body of the City of Asheville will meet on the 10th day of August, 1961 for the purpose of consi- ing the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the require- of Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract- tracts of land hereinafter described under the authority and procedure for the extension of corporate limits pro- out in said Section 160-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and- larged by hereby annexing the territory and property described as follows:

BEGINNING at the point where the present city limit line intersects the center line of Town Mountain Road on the Mountain. and runs thence with said city limit line North 12 deg. 31' East 975.2 feet; thence North 13 deg. 04' -36 feet to a concrete monument; thence with the present city limit line South 89 deg. 59' West 1558.4 feet to a concrete monument; thence with the existing city limit line North 0 deg. 01' West 961.3 feet to an iron pipe; thence with the present city limit line South 89 deg. 56' East 282 feet to an iron pipe; thence continuing in the same direction, to-wit South 89 deg. 56' East, 1566.98 feet, more or less, to the western margin of Town Mountain Road; thence in a southerly direction with Town Mountain Road the following calls: South 8 deg. 47' West 340 feet; So- 11 deg. West 300 feet; South 1 deg. East 145 feet; South 10 deg. East 160 feet; South 0 deg. 30' West 200 feet; 5 deg. East 270 feet; South 10 deg. 40' West 515 feet; South 32 deg. 40' West 85 feet; South 53 deg. 40' West feet; South 43 deg. 20' West 320 feet, more or less, to the point of BEGINNING.

Section 2. That from and after the effective date of this ordinance the territory herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such mu- nicipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Regis- of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective 1st day of January, 1962.

I move the adoption of the foregoing ordinance, this 10 day of August, 1961.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 24 day of August, 1961, to become effective 1st day of January, 1962.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised the Council that as requested by the Council a revised Electrical Code has been prepared by the Corporation Counsel, which proposed ordinance has the approval of the State of North Caro- lina Building Code Council, the Buncombe County Electrical League, and local contractors.

Councilman Sumner called attention to a section of the ordinance which stipulates that a licensed Class I journeyman electrician shall be allowed only one helper or apprentice, and said he believed that in Charlotte and some other larger North Carolina cities a larger number of unlicensed helpers is allowed, and the restriction of one helper keeps outside firms from bidding on a competitive basis on electrical contracts. Councilman Sumner asked for information on the codes of comparable cities in the state, and with the Council's approval the City Manager said he would have the requested information available for the next Council meeting.

Action on the proposed ordinance was deferred until the next meeting of the Council.

There being no further business, the meeting was upon motion adjourned.

Frank Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, August 31, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 31, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. M. Preslar, F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

In regard to the proposed electrical code the City Manager advised that replies from a number of other cities in the state indicate that these cities have no restrictions on the number of helpers permitted per li- censed electrician, and further stated that local records show a substantial number of major contracts which have been obtained over the past few years went to out-of-town electrical firms.

Mr. M. B. Haynes of M. B. Haynes Electrical Co. presented a petition signed by fourteen of the local contractors urging adoption of the revised code without change. Mr. Haynes answered questions by Councilman Sumner and other members of the Council, explaining why the contractors favored the proposed code. Mr. Roy Lassiter, County Electrical Inspector, and Mr. Ralph Presley of Hayes and Lunsford Electrical Co. also spoke in favor of the code.

Following the full discussion, Ordinance No. 452, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING AND PROVIDING FOR THE INSPECTION OF ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITY AND DUTIES; AND REPEALING ORDINANCES 390 AND 410, SAME TO BE REPLACED BY THIS ORDINANCE", was, upon motion of Councilman Preslar, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" Councilman Sumner voted "aye"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution requesting Federal Government to establish twenty-four hour first-order station weather service at the Asheville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 134.

Mr. Ted Snipes of 123 Shelburne Road requested the Council to take action to relieve repeated flooding of his property which he said was caused by inadequate storm sewer installation, and was advised that this matter would be investigated immediately.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
Mayor

Margaret Simmons
CITY CLERK

Thursday, September 7, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 7, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, C. M. Preslar, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 452, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING AND PROVIDING FOR THE INSPECTION OF ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITY AND DUTIES; AND REPEALING ORDINANCES 390 AND 410, SAME TO BE REPLACED BY THIS ORDINANCE", upon motion of Councilman Preslar, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" Councilman Preslar voted "aye"
Councilman Mulvaney voted "aye" Councilman Sumner voted "aye"
Councilman Algary voted "aye" Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary discussed the highways of Western North Carolina, stating that over the past ten years the State Highway Commission has spent comparatively little money in Buncombe County or Western North Carolina;

that Asheville is the only city of anywhere near its size that doesn't have at least one four-lane highway l... by into it; that the Weaverville by-pass survey has not yet been completed, although promised in 1955; that ... Interstate Highways are still in the planning stage; that the recently completed crosstown expressway is a hel... in easing traffic through the city but does nothing to expedite traffic into and out of the region; that the ... money spent on Interstate 40 along the Pigeon River at the Tennessee line has been squandered and there is no ... possibility of anyone getting anything out of it for many years; and that he thinks it is time to speak of these matters.

As a first step, Councilman Algary moved that the City Council instruct the Mayor and City ... to request the State Highway Department to furnish a break-down of all gasoline tax collections in Buncombe ... County and Western North Carolina as compared to collections in other counties of North Carolina.

Councilman McRary suggested the request should include how much of gasoline tax money has been ... this area. Councilman Preslar suggested that the information include gasoline tax paid county by county in North Carolina, and that a comparison should be made for one year or more than one year.

Following the full discussion, said motion was seconded by Councilman Sumner and unanimously adopted.

Councilman Algary then brought up the matter of airline service at the new Asheville Airport, stating that the airport is one of the finest in the country and that passenger traffic has shown a considerable increase, but that the services and schedules rendered by the airlines could be improved, citing instances in which passengers seeking accommodations had been delayed as long as two weeks, and limited passenger service by one airline at the airport had caused passengers to miss planes for which they held reservations.

Councilman Algary moved that the Mayor and City Manager seek improved passenger service at ... airport, and seek expanded and adequate scheduling of flights by the present carriers; and, if they are not able to improve this service, that an appeal be made to the Civil Aeronautics Board for better schedules or authorization of service to Asheville by one or more new airlines.

Following the discussion said motion was seconded by Councilman McRary and unanimously adopted.

The City Manager gave a report of the progress being made on the construction of the new ... terminal building.

There being no further business, the meeting was upon motion adjourned.

Margaret Shu...
CITY CL...

Thursday, September 14, 1961 - 4:00 o'clock P. M.

... Council met in regular session Thursday, September 14, 1961, at 4:00 o'clock P. M. ... present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. M. Preslar ...

... minutes of the previous meeting were read and approved.

... was received from the Planning and Zoning Commission recommending approval ... property located near Ingle Wood Road and the Elk Mountain Scenic Highway in the ...

September 14, 1961

... prepared by S. W. Huddleston, surveyor, for Mr. A. C. Coffey and ... shows the subdivision of real estate. This property is located near ... Elk Mountain Scenic Highway in the Beaverdam area.

... proposed plat has been reviewed by the Commission at a regular meeting ... and is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton
Planning Director

JR...
enclosure
PN AS - N 15.30

Councilman McRary moved that the above plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 452, being "AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING AND PROVIDING FOR THE INSPECTION OF ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITY AND DUTIES; AND REPEALING ORDINANCES 390 AND 410, SAME TO BE REPLACED BY THIS ORDINANCE", was, upon motion of Councilman Preslar, seconded by Councilman McRary, unanimously passed on its second and final reading, with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Preslar voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 452

AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING AND PROVIDING FOR THE INSPECTION OF ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT; CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITY AND DUTIES; AND REPEALING ORDINANCES 390 AND 410, SAME TO BE REPLACED BY THIS ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

ARTICLE I

Section 1. Electrical Inspector - Qualifications, Appointment, Salary and Bond. There is hereby created the office of Electrical Inspector. The person chosen to fill the office of Electrical Inspector should have at least a high school education and should be a competent electrician of good moral character; shall be possessed of such executive ability as is requisite for the efficient performance of his duties; shall have a thorough knowledge of the standard materials and methods used in the installation of electric wiring, devices, appliances and equipment; shall be well versed in approved methods of electrical construction for safety to life and property, the Statutes of the State of North Carolina relating to electrical work, the rules and regulations issued under authority of the Statutes, the National Electrical Code, as approved by the American Standards Association and the National Electrical Safety Code, as approved by the American Standards Association. He shall also be the holder of a Class I Journeyman's Electrician License of the City of Asheville or a valid Class I Electrical Contractor's License issued by the State of North Carolina.

The Electrical Inspector shall be appointed by the City Manager, who shall provide for him the instruments necessary for him to properly make electrical inspections, and who shall notify the Insurance Department of his appointment.

The salary or fees to be paid to the Electrical Inspector shall be determined by the City Council. Before entering upon the discharge of his duties he shall file a bond in the sum of $1,000.00, payable to the City of Asheville, said bond to be approved by the City Council and conditioned upon the faithful performance of his duties.

Section 2. Duties, Reports, and Authority. It shall be the duty of the Electrical Inspector to enforce all State and local laws governing electrical installations and materials, to issue permits for and to make inspections of all new electrical installations and such other permits and inspections as may be prescribed by the City Council. He shall, upon application, grant permits for the new electrical installations and reinspection as provided in this ordinance. He shall keep complete records of all permits issued, inspections and reinspections made, fees collected, and other official work performed in accordance with the provisions of this ordinance. He shall make a monthly report to the City Council of all permits issued, inspections made and fees collected. He shall also keep on file a list of inspected and approved electrical materials, devices, appliances and equipment issued by Underwriters' Laboratories, Inc., which list shall be accessible for public reference. He shall hold membership in the International Association of Electrical Inspectors and shall serve on any electrical committee of this association to which he may be appointed. All expenses in connection with such activities shall be charged against the receipts of the Electrical Inspector's office.

It shall be unlawful for the Electrical Inspector, or any of his assistants, to engage in the business of, the sale of, installation or maintenance of electric wiring, devices, appliances or equipment, either directly or indirectly, and shall have no financial interest in any concern engaged in such business at any time while holding such office as herein provided for. The Electrical Inspector shall decide all questions pertaining to the installation of electric wiring, devices and equipment not otherwise provided for in this ordinance.

The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of the installation of electric wiring, devices, appliances and equipment containedtherein, and shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life and property. Said Electrical Inspector is hereby authorized to disconnect, or order the discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be dangerous to life or property because it is defective or defectively installed until such wiring, devices, appliances and equipment and their installations have been made safe and approved by said Electrical Inspector.

Section 3. Permits and Inspections. (1) The term "inspection" as referred to in this ordinance shall mean the necessary scrutiny and checking of a wiring installation to determine whether or not the installation has been made in conformity with State and local laws governing wiring installations and materials. The Inspector shall have and use the necessary instruments and tools for testing each installation as to insulation, continuity, polarity, etc. No roughing-in work will be considered complete until all joints are properly made, soldered and taped, nor until all service switches, control switches, circuit cabinets and receptacles, together with their appropriate trims and covers, are properly placed and the grounding connections have been made.

(2) No electric wiring, devices, appliances or equipment shall be installed within or on any building, structure, premises, nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without securing a permit therefor and having an inspection thereof made by the electrical inspector, except as stated in the following paragraphs a. and b. below:

a. No permit shall be required for minor repair work, such as the replacement of lamps, or the connection of portable devices to suitable receptacles which have been permanently installed.

b. No permit shall be required for the installation, alteration or repair of electrical wires, devices, appliances and equipment installed by or for an electrical public service corporation for the use of such corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.

(3) Permits shall be issued to persons, firms, or corporations which hold a valid contrac-

...ror'. License issued by the Board of Examiners of Electrical Contractors of the State of North Carolina.

(...) In lieu of an individual permit for each installation or alteration, an annual permit ... upon application therefor, be issued to any person, firm, or corporation regularly employing one or more ele... ...ians or the installation and maintenance of electric wiring, devices, appliances and equipment on premises ... ...or occupied by the applicant for the permit. The application for such annual permit shall be made in writing ... ...the Electrical Inspector and shall contain a description of the premises within which work is to be done under ...permit. The person, firm or corporation to which an annual permit is issued shall keep a record of all electric ...wiring, devices, appliances and equipment installed under said permit, and the Electrical Inspector shall have ...access to such records. Such annual permit shall expire on December 31st of the year in which it was issued.

...t regular periods the Electrical Inspector shall visit all premises where work may be done ...der annual permits and shall inspect all electric wiring, devices, appliances and equipment installed under ...permits since the date of his last previous inspection, and shall issue a certificate of approval for such work ...as found to be in conformity with the provision of this ordinance, after the fee required has been paid. Upon ...inspection if the installation is not found to be fully in conformity with the provisions of this ordinance, the ...Electrical Inspector shall at once forward to the person, firm or corporation, a written notice stating the ...which have been found. Reinspections shall be made at least once each year of all electric wiring, devices, ...pliances and equipment in all institutions and establishments serving the public, and when the electrical ins... ...tion in any such building is found to conform with the provisions of this ordinance, the Electrical Inspector ...issue to the owner or occupant thereof a Certificate of Approval of the installation and no fee shall be charged ...for such reinspection or certificate. Such certificate shall be kept posted in a conspicuous place in or upon ...the premises.

(5) When any part of a wiring installation is to be hidden from view by the permanent plac... ...of parts of the building, the person, firm or corporation installing the wiring shall notify the Electrical In... ...tor, and such parts of the wiring installation shall not be concealed until they have been inspected and appro... ...by the Electrical Inspector, or until 24 hours exclusive of Saturdays, Sundays, and holidays shall have elap... ...from the time of such notification; provided, that no large installations, where the concealment of parts of ...wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the Electrical ...Inspector due notice and inspection shall be made periodically during the progress of the work.

(6) Upon completion of any installation for which a permit and inspection is required, it ...is the duty of the person installing same to notify the Electrical Inspector, who shall inspect the installa... ...within 24 hours of the time such notice is given or as soon thereafter as practicable.

(7) Where the Electrical Inspector finds the installation to be in conformity with the pro... ...of the Public Safety Laws of the State governing electrical wiring installations and materials and of this Ord... ...he shall issue a certificate of approval in duplicate, one for the utility furnishing the electrical service ...for the property owner.

(8) When a certificate of approval is issued authorizing the connection and use of tempor... ...such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Electr... ...Inspector for cause. A preliminary certificate of approval may be issued authorizing the connection and use ...tain specific portions of an incompleted installation, such certificate shall be revocable at the discretion ...Electrical Inspector.

(9) Additional inspections, or inspection trips, made by the Electrical Inspector, or his ...tant, made necessary through the failure of any electrical contractor, or electrician in charge of work, to ...have work, or failure to install wiring or apparatus in proper manner, or to otherwise create conditi... ...such additional inspections or trips necessary, are hereby designated "Extra Electrical Inspection". For ...such Extra Electrical Inspection" a fee of $2.00 shall be charged against and paid by said contractor or ele... ...into the City Treasury. Nothing herein shall be construed to require extra fees for the several inspect... ...made necessary in the regular order of electrical construction work.

Section 4. Creating Board of Electrical Examiners. (1) There is hereby created a Board ... ...of Examiners which shall consist of five members appointed by the City Council, as follows: One represen... ...of the electrical contractor, one journeyman, and one representative of a utility. The Superintendent of Elec... ...Water and the Electrical Inspector will act as ex officio members of this Board.

There is also created a Board of Examiners of motion picture operators, which shall consist ...of three motion picture operators appointed by the City Council. The Electrical Inspector and the Board of Electri... ...Examiners will act as ex officio members of this Board.

(2) Appointments shall be made by the City Council at the beginning of the fiscal year for ...the terms of two years. Any member may, for cause, be removed from office by the City Council at any time.

(3) It shall be the duty of the Examining Board to hold a meeting the second Tuesday of J... ...April, July and October between the hours of 8:30 A. M. and 5:00 P. M. for the examination of applicants for ...or their representatives and for the transaction of other business provided there are pending applications f... ...poses to examine applicants for licenses or their representatives as to their knowledge of the rules and re... ...tions, the operation of equipment, and the installation of electrical wiring devices, appliances and equipme... ...set forth in the statutes of the State or as issued under the authority of the Statutes of the State and the ...nances of the City of Asheville and the National Electrical Code and to determine the general qualifications ...each applicant for executing or performing the class of work covered by the license applied for.

Examinations shall be written and a complete record of every examination shall be kept on ...until three years after the date of the examination. The Board shall grant licenses as applied for and shall ...certificates therefor to those applicants who shall show the proper qualifications, provided that in every c... ...license shall not be granted until after the prescribed fee has been paid. It shall also be the duty of the ...to make recommendations to the City Council to revoke any license for good and sufficient cause as prescribed ...tion 6 of this ordinance.

The Examining Board may hold special meetings between regular meeting dates in January, April, ...July and October provided they have special requests in cases of undue hardships or emergencies.

(4) Every person desiring to operate as journeyman electrician within the City of Asheville ...make written application to the Electrical Inspector's office for an examination as to his efficiency and capa... ...to do such work, and if upon examination applicant shows himself competent and qualified to do such electrical

...manner required, the Electrical Inspector shall deliver to such applicant a certificate to that effect. No ...license shall be issued to any person under eighteen (18) years of age.

Examinations shall be given as prescribed in Section 4, subsection 3 of this ordinance.

(5) Any person desiring to operate motion picture projectors of professional type shall ...make application to the Board of Examiners for an examination as to his proficiency and capacity to operate ...such equipment, and it shall be the duty of the Board to cause such examination to be made. If the applicant ...demonstrates by such examination that he is competent to operate the equipment referred to and is familiar with ...the requirements for the protection of life and property against injury or damage which may result from the use ...of such equipment, then the Electrical Inspector shall issue to the applicant a certificate or proficiency. No ...license shall be issued to any person under eighteen (18) years of age.

Examinations shall be given as prescribed in Section 4, subsection 3.

(6) Two classes of licenses shall be issued by the Board of Electrical Examiners which ...shall be designed respectively as Class I Journeyman Electrician's License, and Class 2 Motion Picture Operator's ...License.

A contractor's license issued by the State Board of Examiners of Electrical Contractors of ...North Carolina shall entitle the holder thereof to engage in the business of and secure permits for the installa... ...tion, alteration or repair of any electrical wiring devices or equipment.

A Class I journeyman Electrician's License shall entitle the holder thereof to personally per... ...form the work of installing, maintaining, altering or repairing wiring, devices or equipment. He shall be allowed ...only one helper or apprentice who shall not be required to pass an examination or secure a license provided such ...helper or apprentice shall only engage in work underthe direct supervision of a licensed electrician. Helpers ...and apprentices are hereby defined and known as any one using or handling any tools or material of the electrical ...construction trade. In addition to the penalties provided in this ordinance should the holder of such license ...continue or persist in violation of such rules and regulations, his license shall be recommended for forfeiture ...by the Electrical Inspector and such licenses may be forfeited and revoked by the City Council.

A Class 2 Motion Picture Operator's License shall entitle the holder thereof to operate motion ...picture machines, projectors and other apparatus used in exhibiting pictures or in connection with stage shows and ...similar entertainments.

(7) Applications for license shall be made to the Board of Electrical Examiners, stating the ...class of license applied for.

(8) No license and certificate issued in accordance with the provisions of this ordinance ...shall be assignable or transferable. Any such license may after hearing be suspended or revoked by the City Coun... ...upon recommendation by the Examining Board, if the person, firm or corporation holding such license willfully, ...by reason of incompetence, repeatedly violates any statute of the State of North Carolina or any ordinance or ...rule or regulation of the City of Asheville relating to the installation, maintenance, alteration or repair of ...electric wiring, devices and equipment.

(9) Certificates for Class I and 2 licenses shall be issued in card form and every holder of ...such a license shall carry the certificate upon his person or keep displayed in a conspicuous place in his place ...of employment while performing any work under the provisions of this ordinance and shall exhibit such certificate ...upon request of the Electrical Inspector or any police officer of the City of Asheville.

(10) Before a license is granted to any applicant and before any expiring license is renewed, ...the applicant shall pay to the City of Asheville a fee in such amount as is herein specified for the class of li... ...cense to be granted or renewed, as follows:

EXAMINATION FEES

For a Class I Journeyman Electrician's License	$ 5.00
For a Class 2 Motion Picture Operator's License	5.00
Renewals for Class I and 2 Licenses	1.00

If an applicant fails in his examination the fee paid by him shall not be returned to him, but ...for a period of ninety days shall have elapsed he shall be entitled to one re-examination after paying one-half ...the regular fee, provided he made a grade of at least 60% on previous examination. Anyone failing to make agrade ...of 60% on examination shall wait for a period of one year before another examination may be given. The one-half ...fee shall also apply to the one year waiting period. A grade of 75% is required for passing grade on all classes ...of licenses.

Each license shall expire on June 30th following the date of its issue, and shall be renewed ...by the Board of Examiners upon application of the holder of the license, payment of the required fee, at any time ...within thirty (30) days before the date of such expiration.

Section 5. Inspection Fee Schedule.

The minimum fee for any electrical inspection shall be $2.00

For 1 to 10 outlets, Minimum	$ 1.00
From 10 to 100 outlets, Per Outlet	.10
For over 100 Outlets, Per outlet	.05

B. Fixture Sockets and Fluorescent Tubes

For 1 to 10, Minimum	$ 1.00
For over 10, per socket	.05

C. Service Including Meter Housing as Determined by Size Conductor

[illegible] or Construction Service	
[illegible] not to be more	$ 2.00
[illegible] to 2 inch	2.00
[illegible] to [illegible] inch	3.00
[illegible] to [illegible] inch	4.00
[illegible] to [illegible] inch	5.00
[illegible] to 2½ inch	6.00
[illegible] additional meter Outlet	7.00
	1.00

D. Motors

[illegible] H. P.	$ 1.00
[illegible] H. P. to [illegible] H. P.	2.00
[illegible] H. P. to 20 H. P.	3.00
[illegible] H. P. to [illegible] H. P.	4.00
[illegible] H. P. to [illegible] H. P.	5.00
For additional 25 H. P. or fraction thereof	6.00
	3.00

[illegible] of several motors minimum fee for largest motor plus total H. P. of balance of motors.

E. Miscellaneous

[illegible] Repair	$ 2.00
[illegible] Circuit	1.00
[illegible] Each	1.00
[illegible] Cons. Each	1.50
[illegible] Each	1.50
[illegible] and Combination	3.00
[illegible] and Service Combination	3.00
[illegible] Water Heater and Service	4.00
[illegible] up to 1 H. P.	2.00
[illegible] Refrigerators up to 1 H. P.	2.00
[illegible] Based on motor rate display cases, each	.75
[illegible] Heaters, each	1.00
[illegible] Heating Systems, per circuit, each	.50
[illegible] Oil Filled	1.50
[illegible] Dispensers, Each	1.50
[illegible] Machines	1.50
[illegible] Machines	4.00
[illegible] Devices and Equipment 1500 Watts or over, each	1.50

F. Extra Electrical Inspections

[illegible] Extra Electrical Inspection	$ 2.00

[illegible] Inspection [illegible] shall be paid by the tenth of the month following the approval of work by the Inspection Depart[illegible] [illegible] permits shall be issued after the tenth of the month unless previous permit fees are paid in [illegible].

Article II

Section 1. Installation Standards. All installations shall be in conformity with the provi[illegible] [illegible] laws of the State of North Carolina governing electrical wiring installations and materi[illegible] [illegible].

Section 2. Special Construction Rules. (1) Fire Districts: All wiring within the fire di[illegible] [illegible] shall be installed in approved rigid conduits or electrical metallic tubing except on finished structures where [illegible] approved metal raceways may be used. The authority enforcing this Ordinance may make exceptions of spec[illegible] [illegible] locations where suitable precautionary means are followed. This section does not apply to low voltage contro[illegible] [illegible] of signal circuits except where failure of such circuits would create a hazard.

(2) It shall be unlawful for any plumber, gas or steam fitter, or any other person, to insta[illegible] [illegible] fix or place any metal pipe in a building nearer than 3 inches from an electric light or power wire; nor shall any person, firm or corporation engaged in constructing or repairing any building, place any wood or brick work within one inch of any such wire unless such electric light or power wires are insulated under such requirements as may be imposed by the Electrical Inspector.

(3) Where the building construction is of brick veneer exterior, the electrical contractor shall install a suitable anchorage to the frame-work to support the service drop so that no strain will be applied to the brick veneer. The service drop bracket or fixture shall be secured by means of screws, bolts or lags. Nails shall not be used in any case.

(4) Where two or more lighting and receptacle circuits are required in addition to the special appliance circuits in a dwelling, overhead lights and receptacles shall be so divided that each room will be served by at least two circuits.

(5) Service equipment shall not be located in any attic, clothes closet, kitchen cabinet, bathroom, toilet room, coal bin, or in any room or space which may be normally kept locked.

(6) Where 15 or 20 ampere switches or circuit breakers are used for service equipment, there must be a disconnecting means placed ahead of this equipment to disconnect all of them by one operation of the service disconnecting means. Where two or more 30 ampere or larger switches or circuit breakers are used for group installation, they shall not be fed through, but troughs or gutters must be used.

(7) Gasoline pumps or dispensing island shall be supplied through individual conduits which shall terminate within the enclosure except where impracticable, 3/4 inch minimum size required. (Article 514)

(8) All outlet boxes and equipment that are required to be grounded, when non-metallic cable is used, they shall have grounding conductor within cable assembly. (250-57 (B-2-)

(9) When inspections are necessary due to changes or alterations in the original wiring system, the inspector shall make an inspection of the original installation and if any defects due to additions or alterations to the original system are found, he shall require such corrections as are necessary to take care of any defects and loads which have been added.

(10) Where panelboards having a spare circuit or circuits are set flush in masonry or finished walls, a metal raceway for future extensions shall be installed to basement, accessible attic, or to flush junction box in side wall or ceiling.

(11) New buildings outside of the fire district shall be wired in conduit or electrical metallic tubing except single or duplex two family dwellings may be wired in any approved wiring system. (324, 326, 336)

(12) Service conductors on all new buildings shall be in conduit electric metallic tubing or approved bus way systems. (230-40) (Article 338)

(13) On old buildings being remodeled and new wiring systems installed, all old wiring shall be removed from the building except where concealed and damage to building would result in removal.

(14) In residential wiring of one and two family dwellings, all home runs shall be a minimum of #12 A. W. G. copper or equal. Not more than 10 outlets may be installed on any branch circuits, heating system - stoker, oil burner, etc. - and receptacles installed at laundry machine locations shall be on a separate circuit. (220-2D (1) (220-4(H)

(15) All circuit conductors installed in attics where stairways are present shall be bored at through joists unless they are run on sides of beams, rafters, etc. (334-8A)

(16) In single family dwellings the minimum size circuit conductor for a single range shall be #6 A. W. G. copper or equal. (220-5)

ARTICLE III

Section 1. Penalties. Any person, firm or corporation who shall violate any of the provisions of this Ordinance, or who shall fail to correct any defects within a reasonable specified time after having been notified in writing by the Electrical Inspector, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $25.00 nor more than $50.00 for eachoffense, together with the cost of prosecution and in default of payment thereof by imprisonment for not less than ten days nor more than thirty days.

Section 2. Liability for Damages. This ordinance shall not be construed to relieve from or lessen the responsibility of liability of any party owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for damages to person or property caused by any defect therein, nor shall the City of Asheville be held as assuming any such liability by reason of the inspection authorized herein or the certificate of approval issued as herein provided.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Asheville hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Date to Take Effect. This Ordinance shall take effect fifteen days after its passage.

I move the adoption of the foregoing ordinance, this 31 day of August, 1961.

C. M. Preslar
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 14 day of September, 1961, to become effective 29 day of September, 1961.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager reported that a request has been made to the Commissioner of Revenue in regard to the gasoline tax, and a reply is expected at an early date.

The City Manager further reported that the Instrument Landing System is expected to be completed within the next thirty days, and as soon as this is accomplished it is expected that better service can be secured at the airport.

Councilman Preslar introduced a resolution regarding golden anniversary of the enactment of the

Weeks Act and formation of the North Carolina Forestry Association, which was, upon motion of Councilman Preslar, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 135.

The City Manager presented the audit report for the Sinking Fund Commission for Buncombe County for the period ending June 30, 1961.

The City Manager advised that the officials of Asheville-Biltmore Botanical Gardens, which are to be located adjoining the campus of Asheville-Biltmore College, are anxious to have the cooperation and support of the City and the Parks Department, and distributed brochures showing the plans for this development to members of the Council.

Councilman Morgan stated that it seemed appropriate for the minutes of this Council to show that the Council is highly delighted that Miss Maria Beale Fletcher received the high honor of being chosen as Miss America in the recent Pageant, and wishes her will during her reign. Councilman Morgan further stated that as plans developed for a homecoming celebration in honor of Miss Fletcher that he thought the Mayor's office would be the logical place to coordinate the efforts in this behalf, and moved that the Mayor be authorized to coordinate plans for a worthy reception for her, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mr. M. B. Haynes, on behalf of local electrical contractors, thanked the Council for enactment of the New Electrical Code, and invited its members to attend the Southern Section meeting of the International Association of Electrical Inspectors to be held October 15th - 18th at Grove Park Inn.

Mayor Eller invited members of the Council to attend the ceremonies honoring Union Mills as winner of the Western North Carolina Rural Community Development contest in Union Mills on Thursday, September 21st.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, September 21, 1961 - 4:00 o'clock P. M.

Because of the lack of a quorum no meeting of the City Council was held on the above date.

Margaret Simmons
CITY CLERK

Thursday, September 28, 1961 - 4:00 o'clock P. M.

The City Council of the City of Asheville, North Carolina, met in regular session at the City Hall at 4:00 o'clock P. M., on September 28, 1961.

The meeting was called to order by Mayor Eller presiding, and Councilmen J. W. McRary, C. M. Mulvaney, E. T. Preslar and Wilma Morgan.

Absent: T. B. Morgan

Also present: Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A communication was received from Leslie D. Briggs and Etrulia H. Briggs requesting the rezoning of Lots 37 through 41 of Block 6 from Business to Commercial District, which was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager reported that as directed by the Council an inquiry was sent to the Commissioner of Revenue requesting information as to total gasoline tax collected by the State of North Carolina in Buncombe County for the fiscal period ending June 30, 1961, and county by county for the counties in this area, and that a reply had been received advising that the department does not have gasoline tax collections broken down as to counties due to the fact that a large percentage of gasoline tax comes from suppliers who pay tax on receipts at pipeline and tanker terminals.

Councilman Algary read a prepared statement regarding support to the Western North Carolina Legislative Delegation in the development of an adequate highway program:

"The organization of senators and representatives from the 19 westernmost counties has been holding regular meetings to define and seek the solution for the critical problems of our area.

"This organization has identified highway transportation as the most critical economic problem facing Western North Carolina. Assistance of the Western North Carolina Regional Planning Commission is being used by the Western North Carolina Legislative Delegation in the development of an adequate highway program."

He moved that the City Council of the City of Asheville should at this time: (1) recognize the important task the Western North Carolina Legislative Delegation is now undertaking; (2) offer the said delegation its full support; (3) tender to said delegation any assistance necessary in putting into effect a comprehensive highway program suited to our area's needs.

The City Manager commented that this Delegation recognizes the seriousness of the problem and is the strongest organization in the area to present the case to the Highway Commission, but the legislators need the support of all the local governments in the area.

Following a discussion, the above motion was seconded by Councilman Preslar and unanimously adopted.

Councilman Preslar introduced a resolution authorizing Mayor to execute agreement with State Highway Commission relating to encroachments upon right of way for Asheville expressway, which was, upon motion of Councilman Preslar, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book ___ at page 142

The City Manager advised that resolution had been prepared by bond attorneys providing for the issuance of $4,500,000 water bonds which had been previously authorized by a vote. The City Manager further advised that the first phase of the new 36" water transmission line has been completed and water is now flowing through this part of the line, and that the project is expected to be completed next February.

Councilman Morgan introduced in written form the following resolution authorizing bonds which was read:

A RESOLUTION PROVIDING FOR THE ISSUANCE OF $4,500,000 WATER BONDS OF 1961 AND PLEDGING AVAILABLE REVENUES OF THE WATERWORKS SYSTEM OF THE CITY TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS ON A PARITY WITH THE PLEDGE OF SUCH REVENUES TO THE PAYMENT OF THE WATER BONDS OF 1951.

BE IT RESOLVED by the Council of the City of Asheville

Section 1. The Council has determined and does hereby find and declare:

(a) The City of Asheville owns and operates a waterworks system which is supplying and distributing water both within and without the corporate limits of the City.

(b) There are now outstanding $2,476,132.29 Water Refunding Bonds, which are general obligations of the City and for the payment of which and the interest thereon revenues of the waterworks system have heretofore been pledged in the amount of $230,000 for each fiscal year, ending with the fiscal year 1975-76, all pursuant to the provisions of Ordinance No. 237, adopted May 21, 1936.

(c) Pursuant to the provisions of Chapter 921 of the 1949 Session Laws of North Carolina entitled:

"AN ACT AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO AGREEMENTS WITH THE HOLDERS OF WATER BONDS HEREAFTER ISSUED BY THE CITY IN ORDER TO SECURE THE PAYMENT OF SUCH BONDS AND TO PROVIDE FOR THE REMEDIES OF SUCH BONDHOLDERS".

an ordinance adopted by the Council on March 15, 1951 and approved by the vote of a majority of the qualified voters of the City who voted thereon at an election duly called and held on May 8, 1951, and a resolution duly passed by the Council on November 13, 1951 (hereinafter sometimes called the "1951 Resolution"), there were issued $2,750,000 Water Bonds of 1951, of which $2,335,000 are now outstanding, for the payment of which the full faith and credit of the City of Asheville are irrevocably pledged and for the payment of which there is also pledged an amount of the revenues of the waterworks system, over and above the cost of maintenance, repair and operation of said system, sufficient in each year to pay the principal of and the interest on said bonds as the same shall become due, subject to the pledge of revenues of said system to the payment of the outstanding Water Refunding Bonds hereinabove mentioned.

(d) Article IV of the 1951 Resolution provides as follows:

"ARTICLE IV

REVENUES AND FUNDS.

Section 401. The City covenants that it will fix, maintain and collect rates for water furnished by the waterworks system of the City so that the revenues of such waterworks system will be sufficient to provide funds in each fiscal year (such fiscal year being the period commencing with the first day of July and ending with the last day of June of the following calendar year)

(a) for the payment of the expenses of maintenance, repair and operation of the waterworks system,

(b) for making the water debt service appropriations pursuant to Ordinance No. 237 adopted by the Council on May 21, 1936 and securing the outstanding Water Refunding Bonds of the City,

(b) for the payment of the principal of and the interest on the bonds issued under the provisions of this Resolution and any other bonds for which the revenues of the waterworks system shall be pledged as the same shall become due; and

(c) for setting aside in each fiscal year a sum not less than twenty per centum (20%) of the amount mentioned in clause (c) above for a bond service reserve and for other purposes.

Section 402. All revenues arising from the operation and ownership of the waterworks system [illegible] the proceeds of the bonds issued under the provisions of this Resolution shall be deposited as collected to the credit of a special fund which is hereby created and designated 'City of Asheville Waterworks Revenue Fund' (hereinafter sometimes called the "Revenue Fund").

The expenses of maintenance, repair and operation of the waterworks system shall be paid from the Revenue Fund when the same become due and payable. The City covenants that no such expenses will be incurred except as may be unless the same shall be reasonable and necessary, and the City further covenants that it will operate the waterworks system in an economical and efficient manner.

Section 403. There shall be and are hereby created in the Sinking Fund two separate accounts to be known as the 'Bond Service Account' and 'Reserve Account', respectively. It shall be the duty of the properly authorized officers of the City, on or before the 20th day of each month, to withdraw from the Revenue Fund and deposit to the credit of said Fund on the last day of the preceding month, less the amount to be deposited into the Sinking Fund for the Water Refunding Bonds as required by said Ordinance No. 2[illegible] and [illegible] an amount equal to twenty per centum (20%) of the last fiscal year's expenses of maintenance, repair and operation of the waterworks system and deposit the sum so withdrawn to the credit of the following Accounts in the following order:

(a) with the Sinking Fund Commission to the credit of the Bond Service Account, such amount thereof (or the entire sum so withdrawn if less than the required amount) as may be required to make the amount then to the credit of the Bond Service Account equal to the total of the principal of the bonds issued under the provisions of this Resolution and of any other bonds for the payment of which the revenues of the waterworks system shall have been pledged on a parity with the pledge of revenues made to the bonds issued under this Resolution (such other bonds being hereinafter sometimes called 'additional bonds'), which will become payable within the next ensuing twelve months and the interest which will become payable within the next ensuing six months on all of said bonds then outstanding;

(b) with the Sinking Fund Commission to the credit of the Reserve Account, such amount, if any, of the balance remaining after making the deposit under clause (a) above (or the entire balance if less than the required amount) as may be required to make the amount then to the credit of the Reserve Account equal to the interest which will become payable within the next ensuing twelve months on the bonds issued hereunder and on the additional bonds, if any; provided, however, that the total amount so deposited in each of the fiscal years 1951-52 and 1952-53, shall not exceed Forty-five Thousand Dollars ($45,000), plus such amount, if any, as may be required to make up any deficiencies in such deposits in the next preceding fiscal year; and

(c) to the credit of a special fund in the name of the City to be used by the City for any lawful purpose as the Council may direct, the balance of the sum so withdrawn, if any, remaining after making the deposits under clauses (a) and (b) above.

Section 404. Moneys held for the credit of the Reserve Account shall be used for the purpose of paying the interest on and the maturing principal of the bonds issued hereunder and any additional bonds which [illegible] that the moneys held for the credit of the Bond Service Account shall be insufficient for such purpose, and any moneys held for the credit of the Reserve Account shall exceed the maximum amount required to be maintained therein under the provisions of clause (b) of Section 403, such excess shall be paid over to the City whenever the City shall by resolution of the Council request such payment.

Section 405. Subject to the terms and conditions set forth in this Resolution moneys to the credit of the Bond Service Account and the Reserve Account in the Sinking Fund shall be held in trust and dedicated to the payment of the principal of and the interest on the bonds issued hereunder and any additional bonds which may be issued [illegible] and charged with such payments.

Section 406. The Sinking Fund Commission shall, from time to time, withdraw from the Bond Service Account and the Reserve Account in the Sinking Fund and deposit with the banks or trust companies at which the bonds issued hereunder and any additional bonds shall be payable sufficient moneys for paying the principal of and the interest on such bonds as the same shall fall due.

Section 407. In case it shall at any time appear that the moneys so withdrawn and deposited for the payment of the principal of and the interest on the bonds issued hereunder shall at any time be insufficient for such purpose, the City shall forthwith make up such deficiency and deposit with the paying agents for said bonds an amount sufficient to provide for the payment of such principal and interest as the same shall fall due.

Section 408. In addition to the pledge of revenues of the waterworks system of the City made for the payment of the bonds issued hereunder, the revenues of the waterworks system may be pledged to the payment of other general obligation bonds of the City which may hereafter be issued to provide funds for paying the cost of improvements [illegible] extending the waterworks system or the sanitary sewer system of the City, but such pledge of revenues to the payment of such additional bonds shall not be on a parity with, but shall be junior and subject to the pledge of revenues made to the bonds issued hereunder, unless at the time of the issuance of such additional bonds the amount of the average annual revenues of the waterworks system for the two (2) fiscal years immediately preceding the date of the issuance of such additional bonds after deducting the average annual expenses of maintaining, repairing and operating the waterworks system and any other expenses payable from such revenues during such fiscal years, shall be not less than one hundred twenty per centum (120%) of:

(1) the maximum amount of the principal and interest payable in any succeeding fiscal year to and including the fiscal year 1975-76 on account of the bonds issued hereunder and then outstanding, and on account of any additional bonds theretofore issued and then outstanding and the additional bonds then provided to be issued, plus the sum of $230,000, or

(2) the maximum amount of the principal and interest payable in any fiscal year after the fiscal year 1975-76 on account of the bonds issued hereunder and then outstanding, and on account of any additional bonds theretofore issued and then

outstanding, and the additional bonds then provided to be issued

[illegible] shall be the greater."

2. The Council on August 18, 1960 adopted an ordinance

(i) authorizing the issuance of $4,500,000 bonds for the purpose of providing funds for enlarging and extending the waterworks system of the City,

(ii) providing that there may be pledged to the payment of said $4,500,000 bonds and the interest thereon revenues of the waterworks system available therefor if and to the extent that the Council shall thereafter determine by resolution, and

(iii) providing for the annual levy and collection of a tax sufficient to pay the principal of and the interest on said bonds, which tax in the event any revenues of the waterworks system shall be pledged to the payment of said bonds, may be reduced by the amount of such revenues available for the payment of such principal and interest.

(f) Said ordinance authorizing the issuance of said $4,500,000 bonds was approved by the vote of a majority of the qualified voters of the City who voted thereon at an election duly called and held on October 4, 1960.

(g) None of said $4,500,000 bonds has been issued and there are now outstanding $2,250,000 Water Bond Anticipation Notes, dated February 9, 1961 and maturing November 9, 1961 which were issued in anticipation of the receipt of the proceeds of a like amount of said $4,500,000 bonds.

(h) The Council has determined that it is necessary to enlarge and extend the waterworks system of the City, the estimated cost of which is $4,500,000, and has determined to issue general obligation bonds of the City therefor.

(i) The probable period of usefulness of the enlargements and extensions to the waterworks system of the City for which said $4,500,000 bonds are to be issued is forty years from August 18, 1961, being a date not more than one year after the passage of said ordinance authorizing the issuance of said bonds, and said period of forty years will expire on August 1, 2001.

(j) It is necessary to issue all of said $4,500,000 bonds, $2,250,000 of the proceeds thereof to be used to pay said notes at their maturity.

(k) The amount of the average annual revenues of the waterworks system for the two (2) fiscal years immediately preceding the date of the issuance of said $4,500,000 bonds, after deducting the average annual expenses of maintaining, repairing and operating the waterworks system and any other expenses payable from such revenues during such fiscal years, is in excess of 120% of the maximum amount of the principal and interest payable in any succeeding fiscal year to and including the fiscal year 1975-76 on account of said outstanding Water Bonds of 1951 (being all of the bonds issued and outstanding under the 1951 Resolution) and on account of said $4,500,000 bonds to be issued hereunder, plus the sum of $230,000, and is in excess of 120% of the maximum amount of the principal and interest payable in any fiscal year after the fiscal year 1975-76 on account of said Water Bonds of 1951 and on account of said $4,500,000 bonds to be issued hereunder.

(l) The Council has determined and does hereby determine to pledge to the payment of the principal of and the interest on said $4,500,000 bonds an amount of the revenues of the waterworks system, over and above the cost of maintenance, repair and operation of said system, sufficient in each year to pay the principal of and the interest on said bonds as the same shall become due, such pledge being on a parity with the existing pledge of water revenues to the payment of the City's outstanding Water Bonds of 1951 but subject to the existing pledge of water revenues to the payment of the City's outstanding Water Refunding Bonds.

Section 2. Pursuant to said ordinance authorizing said $4,500,000 bonds, there shall be issued the negotiable coupon bonds of the City of Asheville in the aggregate principal amount of $4,500,000, designated "Water Bonds of 1961", consisting of 4,500 bonds of the denomination of $1,000 each, numbered 1 to 4,500, inclusive, dated November 1, 1961, maturing annually, May 1, in numerical order, lowest numbers first, $80,000 1963, $85,000 1964, $85,000 1965, $90,000 1966, $95,000 1967, $100,000 1968, $110,000 1969, $115,000 1970, $125,000 1971, $130,000 1972, $135,000 1973, $140,000 1974, $150,000 1975, $165,000 1976, $200,000 1977 to 1990, inclusive, and $100,000 1991, without option of prior payment, and bearing interest from their date at a rate or rates not exceeding 6% per annum, to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the first days of May and November of each year and both the principal of and the interest on said bonds shall be payable at the Manufacturers Hanover Trust Company in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

After the setting aside of $2,250,000 for the purpose of paying said outstanding $2,250,000 Water Bond Anticipation Notes, the balance of the proceeds of the bonds (excluding accrued interest) shall be deposited by the City to the credit of a special construction fund and applied to the payment of the cost of enlarging and extending the waterworks system of the City; provided, however, that pending such application such moneys may be invested by the City in accordance with applicable law.

The amount paid as accrued interest on the bonds shall be deposited with the Sinking Fund Commission for Buncombe County (hereinafter sometimes called the "Sinking Fund Commission") to the credit of the special fund created by the 1951 Resolution and designated "City of Asheville Water Bonds Interest and Sinking Fund" (hereinafter sometimes called the "Sinking Fund").

Section 3. The full faith and credit of said City of Asheville are hereby irrevocably pledged to the payment of the principal of and the interest on said $4,500,000 Water Bonds of 1961 as the same shall become due. In addition thereto, there is also pledged to the payment of the principal of and the interest on said bonds an amount of the revenues of the waterworks system, over and above the cost of maintenance, repair and operation of said system, sufficient in each year to pay such principal and interest as the same shall become due, such pledge being on a parity with the existing pledge of water revenues to the payment of the City's outstanding Water Bonds of 1951 but subject to the existing pledge of water revenues to the payment of the City's outstanding Water Refunding Bonds.

Section 4. Said $4,500,000 Water Bonds of 1961 shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the bonds, and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

$1,000

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Water Bond of 1961

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof on the 1st day of May, 19__, the principal sum of

ONE THOUSAND DOLLARS

with interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, such interest to the maturity hereof being payable semi-annually on the 1st day of May and November in each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in lawful money of the United States of America at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer or the registered owner, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, in exchange for currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

This bond is one of a series issued by said City for the purpose of providing funds for enlarging, extending and improving the waterworks system thereof and is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, Chapter 921 of the 1949 Session Laws of North Carolina, the Local Government Act, and a resolution duly passed by the Council of said City authorizing the issuance of the City's Water Bonds of 1961 (sometimes called the "1951 Resolution:"), an ordinance which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and a resolution duly passed by the Council of said City providing for the issuance of the series of bonds of which this is one.

For the prompt payment hereof, both principal and interest as the same shall become due, the taxing power of said City of Asheville are hereby irrevocably pledged. In addition thereto, there is also pledged hereto for the payment of the principal of and the interest on the bonds of which this is one an amount of the revenues of the waterworks system over and above the cost of maintenance, repair and operation of said system sufficient to pay the principal of and the interest on said bonds as the same shall become due, on a parity with the existing pledge of water revenues to the payment of the City's outstanding waterworks bonds, but subject to the existing pledge of water revenues to the payment of the City's outstanding Water Bonds. The 1951 Resolution provides for the fixing and collecting by the City of water rates sufficient at all times to pay the cost of maintaining, repairing and operating the waterworks system, and to pay the principal of and the interest on the bonds authorized thereby and any other bonds for which the revenues of the waterworks system shall be pledged as the same shall become due and to provide reserves therefor. The 1951 Resolution, subject to the conditions, limitations and restrictions therein set forth, permits a further pledge of water revenues on a parity with the pledge therein made for the payment of the Water Bonds of 1951, for the payment of bonds issued to provide funds for paying the cost of improving, enlarging or extending the waterworks system of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be signed by its Mayor and its corporate seal of said City to be affixed hereto, and has caused the interest coupons attached hereto to be signed with the facsimile signature of said City Clerk, all as of the 1st day of November, 1961.

_____
Mayor

_____
City Clerk

(Endorsements on bonds)

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

This is to certify that the within bond has been approved under the provisions of the Local Government Act.

W. W. FAUTHERING
Secretary, Local Government Commission

By _____
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City, upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and transfers as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons appertaining hereto shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration | Name of Registered Owner | Signature of Registrar

Form of Coupon

On the 1st day of _____ 19__

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or at the option of the bearer, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, upon presentation and surrender hereof, the sum of _____ Dollars in lawful money of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its Water Bond of 1961, dated November 1, 1961, numbered _____.

Section 5. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering and transferring said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein granted.

Section 6. The covenants and provisions of Article IV of the 1951 Resolution are hereby incorporated in and made a part of this resolution as covenants and provisions hereof for the benefit and security of the holders of the Water Bonds of 1961 herein authorized.

Section 7. The City covenants that, promptly upon the issuance of the bonds as herein provided, it will proceed, with all expedition practicable, with completion of the construction of the enlargements and extensions to the waterworks system of the City for which said bonds shall have been issued.

Section 8. The City covenants that reasonable rules and regulations governing the use of the waterworks system and the operation thereof will be established and enforced, that all compensation, salaries, fees and wages paid by the City in connection with the maintenance, repair and operation of said system will be reasonable, that no more persons will be employed than are necessary, that said system will at all times be maintained and operated in an efficient and economical manner, that said system will at all times be maintained in good repair and in good operating condition, that all necessary repairs, renewals and replacements will be made, and that all valid acts, rules, regulations, orders and directions of any legislative, executive, administrative or judicial body applicable to said system will be complied with.

Section 9. The City covenants that it will cause the funds and accounts of the waterworks system to be kept separate from all other funds and accounts of the City, and that it will keep accurate records and accounts of all items of cost and of all expenditures relating to the waterworks system and of the revenues collected and the application of such revenues.

The City further covenants that as soon as practicable after the close of each fiscal year it will cause an audit to be made of the books and accounts pertaining to the waterworks system by an independent firm of certified public accountants of suitable experience and responsibilities, and will cause an annual report of operations of the waterworks system to be prepared, such annual report to cover the matters usually contained in annual reports of similar systems. Within a reasonable time thereafter reports of each audit and copies of each annual report shall be filed with the Director of Finance and with the City Clerk.

The City further covenants that it will cause any additional reports or audits relating to the waterworks system to be made as required by law and that, as often as may be requested, it will furnish to the holder of any bond issued hereunder such other information concerning the waterworks system or the operation thereof as such holder may reasonably request. The cost of such audits shall be treated as a part of the cost of operation.

Such records, accounts, audits and annual reports shall be open to the inspection of all interested persons.

Section 10. The City covenants that, until the principal of and the interest on the bonds issued under this resolution, and any other general obligation bonds for the payment of which the revenues of the waterworks system shall have been pledged, shall have been paid or provision for such payment shall have been made, it will not sell, lease or otherwise dispose of or encumber the waterworks system or any part thereof and will not create or permit to be created any charge or lien on the revenues of the waterworks system ranking equally with or prior to the charge or lien on such revenues of the bonds issued under and secured by this resolution, except as otherwise permitted pursuant to the provisions of this resolution and the 1951 Resolution. The City may, however, from time to time sell any machinery, fixtures, apparatus, tools, instruments, or other movable property acquired in connection with the waterworks system, or any materials used in connection therewith, if such articles are no longer needed or are no longer useful in connection with the construction or the operation or maintenance of the waterworks system, and the proceeds thereof shall be deposited to the credit of the Revenue Fund created by the 1951 Resolution. The City may from time to time sell any lands constituting a part of any watershed or timber thereon or other property appurtenant to the waterworks system, if such property serves no useful purpose in connection with the operation or maintenance of the waterworks system, and the proceeds thereof shall be deposited to the credit of said Revenue Fund.

Section 11. The officers and agents of the City are hereby authorized and directed to do all the acts and things required of them by the bonds and this resolution, for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the bonds and this resolution.

Section 12. The action of the City Manager in applying to the Local Government Commission to advertise and sell said $1,500,000 Water Bonds of 1961, and the action of the Local Government Commission in asking for sealed bids for said bonds (by publishing a sale notice and printing and distributing circulars), be and the same are hereby ratified and confirmed.

Section 13. This resolution, directing administrative action on the part of the officers and agents of the City, shall take effect immediately.

Approved as to form:

C. E. Starnes, Jr.
Corporation Counsel

E. W. Eller
Mayor

Margaret Simmons
City Clerk

Upon motion of Councilman Morgan, seconded by Councilman McRary, the foregoing resolution entitled "A RESOLUTION PROVIDING FOR THE ISSUANCE OF $4,500,000 WATER BONDS OF 1961 AND PLEDGING AVAILABLE REVENUES OF THE WATERWORKS SYSTEM OF THE CITY TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS ON A PARITY WITH THE PLEDGE OF SUCH REVENUES TO THE PAYMENT OF THE WATER BONDS OF 1951" was passed by the following vote:

Ayes: Councilmen McRary, Mulvaney, Algary, Preslar, Morgan and Mayor Eller

Nays: None.

Pursuant to the resolution entitled: "A RESOLUTION PROVIDING FOR THE ISSUANCE OF $4,500,000 [illegible] 1961 AND PLEDGING AVAILABLE REVENUES OF THE WATERWORKS SYSTEM OF THE CITY TO THE PAYMENT OF THE [illegible] ON A PARITY WITH THE PLEDGE OF SUCH REVENUES TO THE PAYMENT OF THE [illegible] was authenticated by the signing thereof by the Mayor and the City Clerk and the Corporate [illegible] said resolution his approval of the form thereof.

A complete copy of resolution will also be found in Resolution Book 4 beginning at page 136 and ending on page 141.

A report was made by the Mayor on the recent conference concerning twenty-four hour weather [illegible] at the Asheville Airport advised that the need for such service had been fully explained, and all details are now [illegible] the proper authorities.

A petition signed by thirty residents of Furman Avenue and Furman Court asking for relief [illegible] problems created by dead ends caused by construction of the expressway was received.

The City Manager advised that these problems are now being investigated in order that a [illegible] may be worked out.

Councilman Morgan moved that the City Clerk be directed to write Mrs. Eichelberger expressing [illegible] Council at the death of General Robert L. Eichelberger, which motion was duly seconded and [illegible]

There being no further business, the meeting was upon motion adjourned.

Margaret Long
CITY CLERK

Thursday, October 5, 1961 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Margaret Long
CITY CLERK

Thursday, October 12, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 12, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, C. M. Preslar, City Manager [illegible] Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending approval of site plan of proposed Graclynn Gardens Apartments, with the recommendation that the owners plant a living screen on the frontage of Clairmont Street where the rear elevations of the apartments would front on Clairmont Street.

October 12, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held October 4th, 1961, the following action was taken on the attached site plan.

It was moved, seconded, and unanimously passed that the site plan for the proposed Graclynn Gardens Apartments be approved. The Commission also recommends that the owners of the proposed apartments plant a living screen on the frontage of Clairmont Street where the rear elevations of the apartments would front on Clairmont Street.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
BN AS - N 15.30

Councilman Preslar moved that the above site plan be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A communication was received from the Planning and Zoning Commission regarding proposed street [illegible] Wright property on Beaucatcher Mountain, advising that the right-of-way for proposed road does not meet the requirements of City Ordinance No. 424, and recommending that approval be withheld at this time.

October 12, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

The attached plat prepared by B. J. Lefler, Surveyor, for Mr. Vincent Wright and dated June, 1961, shows the location of a proposed street on Beaucatcher Mountain. The proposed street would be an extension of Atkins Street, off of Carol Avenue, and would intersect with Beaumont Avenue immediately below the Adler property.

The above described plat has been reviewed by the Commission at a regular meeting held on October 4th, 1961. At that meeting, preliminary approval was given to the location of the proposed road and the developer was advised to prepare a final plat in accordance with City Ordinance 424.

The developer has submitted the above described plat and requested that it be forwarded to City Council on this date. A field inspection by the planning staff indicates that the right-of-way for the proposed road does not meet the requirements of City Ordinance No. 424.

The inspection revealed the following conditions:

1. In the northern portion of the proposed road, there are many obstructions that should be removed in order for two lanes of traffic to move more freely.

2. The road bed should be widened at places to accommodate two lanes of traffic.

3. Re-grading should be done in places before paving to conform to the grade requirements of Ordinance No. 424.

Taking the above conditions into consideration, the Commission recommends that approval be withheld at this time.

Sincerely yours,

JRH:nr
Encl:
BN AS N15.30

S/ John R. Hampton
John R. Hampton,
Planning Director.

Mr. Vincent Wright appeared before the Council to protest the deferring action, and the City Manager explained the position of the city in this matter, and suggested that Mr. Wright work out a satisfactory street arrangement with the Planning and Zoning Commission.

A communication was received from Shelby E. Horton, Jr., attorney for Fred Hodgens, requesting that Lots 33, 34, 84, 85, 86 and 87, plat book 12, page 79, and Lots 178, 179, 180, Sheet 4, Ward 4 as shown on County Tax Maps be rezoned from residential to commercial type properties, which request was referred to the Planning and Zoning Commission for study and recommendation.

A request signed by all property owners involved was received asking that an alley running from Hilliard Avenue to Church Street, as shown in Plat Book 2, at page 76, be closed.

The Council referred this request to the City Manager for investigation and report.

A communication signed by Edmund P. Gaines and wife, Katherine J. Gaines, was received requesting that the city clarify ownership of abandoned Old College Street, and Colonel Gaines spoke in behalf of his request.

The City Manager stated that in his opinion this was a matter to be settled between the property owners involved, and that the city's interest was a matter of record.

Colonel Edmund P. Gaines appeared before the Council to protest construction plans for the new tunnel under Beaucatcher Mountain, stating that he understood from the Smith report and from information from State highway officials that the tunnel will be located immediately north of the present tunnel and directly under his home, which would endanger his property.

Mayor Eller advised that no actual surveys have been made yet for the tunnel or any other features of the highway system, that the tunnel project is in the second phase of the highway plan with construction at least eight to twelve years in the future, and that Colonel Gaines should make his views known to the Highway Commission when a hearing is held on the actual tunnel location.

Colonel Gaines also requested that trucks be routed to the truck route and be kept off of the expressway.

Councilman Morgan introduced a resolution authorizing agreement between James E. Ashe, Cer- tified Public Accountant, and City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 143
Copy of contract will be found attached to original resolution.

Councilman Mulvaney introduced a resolution directing Mayor to execute deed to L. F. Embler and wife, Mary Jo Embler, which was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unani- mously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 144.
Copy of deed will be found attached to original resolution.

Councilman Mulvaney introduced a resolution directing Mayor to execute deed to O. N. Hahn, et which was, upon motion of Councilman Mulvaney, seconded by Councilman Preslar, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 145.

The City Manager advised that a letter had been received from W. F. Babcock, Director of Hi ways of the North Carolina Highway Commission, requesting that the Council give consideration to approval of t Master Highway Plan as prepared by Wilbur Smith and Associates with two exceptions, being designation of Monti Avenue be changed from collector street to major street and no change in the presently unopened Wilmington Str

The Council discussed the matter and approved in principle, no actual surveys having as yet made.

Following the discussion Councilman Preslar introduced a resolution recommending to the Sta of North Carolina Highway Commission the adoption of the Master Highway Transportation Plan for the Asheville Metropolitan Area prepared by Wilbur Smith and Associates in 1961, which was, upon motion of Councilman Presl seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 146.

The City Manager reported that the sale of the $4,500,000 water bond issue was conducted on October 10th by the Local Government Commission, that four bids were received, and that Halsey, Stewart and Co pany of New York were the successful bidders at an interest rate of 3.96%, which was considered to be a very fa vorable rate.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY

Thursday, October 19, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 19, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. M. Preslar, T. B. Sumner, C. E. Morgan, F. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication from the Planning and Zoning Commission was received recommending approval a proposed road extending Ardmion Road through the Wright property.

October 19, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by B. J. Lefler, Surveyor, for Vincent Wright and dated June, 1961, shows the location of a proposed road extending Ardmion Road through the Wright property.

The above described plat has been reviewed by this Commission at a regular meeting held on October 4th, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ Ridgley K. Robinson
Ridgley K. Robinson,
Land Planner.

RKT:nr
BN AS - N 15.30

The City Manager pointed out that Mr. Wright's house now has water service, and in order to extend this service it is necessary under the city's formula for Mr. Wright to pay for the cost of the necessary materials, but that the sewer question has never been discussed.

Councilman Preslar moved that the recommendation of the Planning and Zoning Commission be approved, and that Mr. Weir and Mr. Wright get together and see if they can work out the details, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mayor Eller announced the appointment of F. Stuart Chapin as a commissioner of the Housing Author- ity of the City of Asheville to fill a vacancy caused by the resignation of Robert K. Hipps.

The City Manager called attention to the question raised by Colonel Gaines as to the ownership of Old College Street, stating that the interest of the city is of record, and recommending that the Council approve a survey of this land to determine exactly the location of Old College Street and if the right-of-way is being encroach- ed upon in any manner.

Councilman McRary moved that the City Manager have this work done, which motion was seconded by Councilman Morgan and unanimously adopted.

The City Manager recommended, following an investigation, that a portion of an alley running be- tween Hilliard Avenue and Church Street be closed as requested by the property owners concerned, and that the City Clerk be directed to publish notice of a public hearing to be held on November 30th in conformity with Section 153-9 (D) of the General Statutes.

Councilman Sumner moved that the City Clerk be so authorized, which motion was seconded by Coun- cilman Preslar and unanimously adopted.

The City Manager advised that a request from Beaver Builders, Inc. for permission to erect a six by sixteen foot sign on the firm's premises at 360 Patton Avenue had been received, and that this request required approval of the Council under Ordinance 450.

Councilmen McRary and Sumner suggested that the size of this sign be cut down to half of the size requested.

Following a discussion, Councilman Preslar moved that the City Council approve a sign not to ex- ceed 48 square feet in size, the details to be worked out with the City Manager, which motion was seconded by Coun- cilman Sumner and unanimously adopted.

The City Manager reported that after conferences with engineers and administrative heads it had been determined to be to the city's best interest to use city work forces in carrying out construction of the two 24-inch water mains which will connect with the city's new 36-inch transmission line at Haw Creek, the 24-inch line to South Buncombe to be completed in time to meet the completed line at Haw Creek and that work on the White Fawn leg will follow, which construction work will require the purchasing of ditching equipment, and that said ditching equipment can also be used in future construction and maintenance work in connection with the city's water program.

The City Manager reported that the Asheville Board of Realtors is now assisting in the effort to secure needed rights of way for the proposed widening of Merrimon Avenue.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

Thursday, October 26, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 26, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by A. W. and Susie R. Laing was received, requesting the rezoning of certain property on Oak Hill Drive and Leicester Highway.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from R. L. McBrayer requesting the rezoning of Lots 412, 413 and ...o. Sheet 26, Biltmore Ward.

This request was referred to the Planning and Zoning Commission for study and recommendati...

A letter was received from Leo A. Bessette submitting his resignation as a member of the Re... development Commission of the City of Asheville effective October 24, 1961.

Councilman Morgan moved that Colonel Bessette's resignation be accepted with regrets, and ... that a letter be written Colonel Bessette expressing the appreciation of the City for his services, which mo... tion was seconded by Councilman Mulvaney, and unanimously adopted.

Councilman Morgan introduced a resolution appointing member of the Redevelopment Commissio... of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanim... ly adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 147.

Councilman Sumner reported that nurses from the St. Joseph's and Memorial Mission Hospitals ... have been subjected to numerous annoyances at the 11 p. m. duty change, and requested that the new street li... be extended along Biltmore Avenue and Victoria Road to the hospital area, and for stepped-up police protecti...

The City Manager stated his office would work up a plan immediately on improved street li... ing, and the Director of Public Safety advised that additional police patrol cars have already been assigned t... this area.

The City Manager presented the audit report for the City of Asheville Board of Alcoholic ... Control for the period ending September 30, 1961.

The City Manager advised that the Shell Oil Company has requested permission to erect a si... on the premises of a service station at 45 Charlotte Street, which sign is within 200 feet of the expressway ... Council approval is required under Ordinance 450, and recommended that approval be granted.

The matter was discussed by the Council, following which Councilman Mulvaney moved that th... sign be approved, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Algary presented a resolution requesting the State Highway Commission to speed ... the construction of highways for Western North Carolina.

'The Asheville City Council welcomes to our city, and to Western North Carolina, Governor ... Sanford and the State Highway Commissioners for their meeting tomorrow, Friday, October 27, at the City Audit...

"I would like to point out that, according to the Hammer report, with which Governor Sanfo... and members of the Highway Department are completely familiar, the future of Western North Carolina is in th... hands of the Governor and his Highway Commissioners.

"So, this is more than just a meeting. The destiny and well being of 450,000 citizens in ... area is at stake. The Hammer report says, 'with modern highways, our future is bright.' Without fast progre... in highways, the future of these 450,000 people is cloudy.

"MAY WE POINT OUT A FEW FACTS:

'1. Western North Carolina is the 'jewel' for tourist attraction in the South East.

"2. The economic possibilities are enormous when you consider what has happened with compa... ble neglect from our State Highway Department.

"Western North Carolina is home for some of America's largest industries, namely: Enka, ... Champion, Ecusta, Beacon, General Electric Outdoor Lighting Division, South Eastern Manufacturing and Distri... Division for Gerber, and, also, Ball Brothers. Carolina Power and Light, here in Buncombe County, is now ma... the largest single investment ever made in Western North Carolina.

'The City of Asheville has just completed one of the finest Airports in the nation. Ashev... Biltmore College is now located in a beautiful and ample campus of 170 acres.

"The Asheville Chamber of Commerce has the largest budget for area promotion of any city b... tween Richmond and Atlanta. One of its divisions, the Community Development Council, is an Internationally ... cognized operation. Our own community of Leceister has just won the National Grange's top award of $10,000.

"Asheville is the home of Maria Beale Fletcher, 'Miss America of 1962' and North Carolina ... first. Asheville is, also, the home of North Carolina's only native in the Football Hall of Fame, Charlie J...

"NOW A FEW SAD FACTS:

Mr. Governor and Highway Commissioners:

"1. Asheville is the only city of comparable size in the two Carolinas that does not have at ...ast one four lane highway in the immediate vicinity. Why?

"2. Most primary roads in Buncombe County were built before the formation of the North Caro... lina Highway Commission and are still in use, with a minimum of alterations and a maximum of patching.

"3. Highways 64 and 25 are sining examples of our inadequate and aged highway system. Why? ...entlemen, don't we pay gas tax too?

"Please, Honored guests, just answer these questions in highways; how much? and, when?

"We insist on less promises, plans, and blue prints, and instead, more concrete and asphalt, ...ow. It will be a sound investment for North Carolina, NOW!"

The City Manager pointed out that the Highway Commission is a new administration so to speak, ...nd any expression from the Council would be given consideration, and that he would like to see the Council take ...a position on this matter and encourage citizens to attend the open meeting of the Highway Commission and partici... ...pate in the discussion.

The above resolution was seconded by Councilman Sumner, and discussed at length by members of the ...Council, it being pointed out during the discussion that the lack of transportation has been a deterrent to progress ...in this area. Following the discussion the resolution was unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

Thursday, November 2, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 2, 1961, at 4:00 o'clock P. M. with ...Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. ...Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Carter M. Preslar offering his resignation as a member of the Council ...to become effective November 1, 1961.

October 12, 1961

Honorable Earl Eller, Mayor
Asheville City Council
City Hall
Asheville, North Carolina

Gentlemen:

Since the Code of the city of Asheville does not permit a person living outside the corporate limits of the city to serve as a member of the city council, and because of the fact that I will be moving outside the corporate limits of the city sometime during the month of November, I hereby offer my resignation as a member of the council to become effective November 1, 1961.

It has been a pleasure to work with each of you in the capacity of councilman, and I assure you that if I can ever be of help in the future, I shall be glad to do so.

Very truly yours,

S/ Carter M. Preslar
Carter M. Preslar

CMP:lc

Councilman Algary moved that Mr. Preslar's resignation be accepted with regret, and that a letter ...be written expressing the sincere appreciation of members of the Council for his services to the city, which motion ...was seconded by Councilman McRary and unanimously adopted.

Councilman Morgan placed in nomination to fill the vacancy created by the resignation of Councilman ...Preslar the name of Ralph D. Morris, Sr. There being no further nominations a vote was taken, and Ralph D. Morris, Sr. ...was unanimously elected a member of the City Council to fill this unexpired term.

A communication was received from the Planning and Zoning Commission recommending the rezoning of ...Lots 412, 413, and 414, Sheet 28, Ward 7 from RA-6 Residential District to Neighborhood Trading Area; the rezoning of ...Lots 161, 162, 182, 183, 184, 181, 180, 179 and 178, Sheet 4, Ward 6, from Neighborhood Trading Area and RA-5 Residen... ...tial Area to Commercial Area; and the zoning of Sheets 21, 23, 24, 29, and 31, Ward 6 as RA-6 Residential Area.

November 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held Wednesday, November 1, 1961, the following action was taken on the attached letters:

1. R. L. McBrayer Request dated October 18th, 1961.

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 412, 413, and 414, Sheet 28, Ward 7 (Biltmore), Buncombe County Tax Maps, as now constituted, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

2. Fred Hodgens Request dated October 11th, 1961.

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 181, 182, 183, 184, 181, 180, 179 and 178, Sheet 4, Ward 6, Buncombe County Tax Maps, as now constituted, be rezoned from Neighborhood Trading Area and RA-5 Residential Area to Commercial Area.

3. Staff Report to Asheville Planning and Zoning Commission dated November 1st, 1961.

It was moved, seconded, and unanimously passed that the Commission recommend that the following described areas, as shown on the Buncombe County Tax Maps, as now constituted, be zoned RA-6 Residential Area:

Ward 6, Sheet 21, (Formerly Hazel, 32);
Ward 6, Sheet 23, (Formerly Lower Hominy, 1);
Ward 6, Sheet 24, (Formerly Lower Hominy, 2);
Ward 6, Sheet 29, (Formerly Hazel, 20); and
Ward 6, Sheet 31, (Formerly Hazel, 11)

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:
BN AS - N 15.25

A communication was received from the Planning and Zoning Commission regarding the request from the Public Safety Department for definition of and distinction between the following terms: Corner Lot, Reversed Frontage Lot, and Double Frontage Lot.

November 2, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held on November 1, 1961, the following action was taken on the attached request from the Department of Public Safety:

It was moved, seconded, and unanimously passed that the Commission accept, and incorporate into this recommendation, the attached staff report. It is therefore, recommended that Ordinance 322 be amended as listed on the attached report.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

ASHEVILLE PLANNING AND ZONING COMMISSION
STAFF REPORT

SUBJECT: DEFINITION AND DISTINCTION BETWEEN THE FOLLOWING TERMS IN THE ASHEVILLE ZONING ORDINANCE: CORNER LOT, REVERSED FRONTAGE LOT, AND DOUBLE FRONTAGE LOT.

The terms Corner Lot and Through Lot are defined clearly in the Zoning Ordinance. They are, however, used consistently throughout the ordinance. The term Reversed frontage is used in Section 2.1, 1, in a way which is confusing.

The following amendment would clarify the use of these terms and make the intent of the paragraph on corner lots clear:

RECOMMENDATION TO CITY COUNCIL FOR AMENDING ORDINANCE 322.

The City of Asheville Planning and Zoning Commission recommends to the Council of the City of Asheville the following amendments to Ordinance #322, entitled "An Ordinance Providing for the Zoning of the City of Asheville".

1. Section 2.1 (RAIO - Residential District) is amended as follows:

A. Strike the second paragraph of Section 2.1, D. which reads as follows:

"Where lots have a double frontage, the required front yard shall be provided on both streets."

B. Add new paragraph to read as follows:

"Through lots shall have the required front yards on both streets".

C. Strike Paragraph 1 which reads:

"1. Corner Lots. (See Exhibit #1)

On corner lots the side yard regulations shall apply to the street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on lots in the rear of such corner lot, and no accessory building on said corner lot, shall extend beyond the front yard line of the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot facing an intersecting street and as of record at the time of the passage of this ordinance to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

D. Add new Paragraph 1, to read as follows:

"Corner Lots. (See Exhibit #1)

One street side of a corner lot shall be considered a front yard and shall conform to the front yard requirements. The second street side of a corner lot shall be considered a front yard, but shall be (50) fifty per cent of the front yard requirement on said second street side. No accessory building on a corner lot shall extend beyond the normal front yard line on either street; provided further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot of record at the time of the passage of the original ordinance 322 to less than Twenty Eight (28) feet, or to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with."

II. Section III (RA8 - Residential District) is amended as follows:

A. Strike the second paragraph of Section 111, D. which reads as follows:

"Where lots have a double frontage, the required front yard shall be provided on both streets."

B. Add new paragraph to read as follows:

"Through lots shall have the required front yards on both streets."

C. Strike Paragraph J. which reads.

"J. Corner Lots. (See Exhibit #1)

On corner lots the side yard regulations shall apply to the street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on lots in the rear of such corner lot, and no accessory building on said corner lot, shall extend beyond the front yard line of the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot facing an intersecting street and as of record at the time of the passage of this ordinance to less than twenty eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with."

D. Add new paragraph to read as follows:

"Same as RA-10 Residential District."

III. Section IV (RA6 - Residential District) is amended as follows:

A. Strike Section 4, Paragraph D., which reads as follows:

"D. Front Yard Required.

There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the front property line to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation in depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established.

Where lots have a double frontage, the required front yard shall be provided on both streets. Provided this regulation shall not be so construed as to require a front yard depth of more than twenty-five (25) feet. Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable for such lot.

B. Add new Paragraph D. to read as follows:

"D. Front Yard Required.

There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the front property line to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation in depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than twenty-five (25) feet. Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable for such lot. Through lots shall have the required front yard on both streets."

IV. Section V (RA5 - Residential District) is amended as follows:

A. Strike Section 5, Paragraph D., which reads as follows:

"D. Front Yard Required.

There shall be a front yard having a depth of not less than fifteen (15) feet measured from the front property line, to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation of depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established.

Where lots have a double frontage, the required front yard shall be provided on both streets. Provided this regulation shall not be so construed as to require a front yard depth of more than fifteen feet (15). Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable and practical for such lot."

3. Add new Section 5, Paragraph D. to read as follows

"D. Front Yard Required.

There shall be a front yard having a depth of not less than fifteen (15) feet measured from the front property line, to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation of depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than fifteen feet (15). Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable and practical for such lot. Through lots shall have the required front yards on both streets."

The above recommendations were accepted by the Council, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same for November 30, 196[illegible]

The City Manager reported that a study had been made of the lighting on Biltmore Avenue, and that mercury vapor street lights will be extended along Biltmore Avenue from Hilliard Avenue to Bryson Street, Biltmore, and that eight such lights will be installed on Victoria Road.

The City Manager recommended, in order to meet budget requirements, that the property on Hanoa Road purchased by the City and County for an Armory site and found to be unsuitable for this purpose, be advertised for sale.

Following a discussion, Councilman Morgan introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4, at page 148.

The Mayor called attention to the state sixty-one and a half million bond election which will be held next Tuesday, and stated that if the Council was in favor of such issue a statement should be made to encourage people to examine the facts, and participate in the election.

Following a discussion, Councilman Morgan moved that the Council go on record as believing the bond issue to be in the best interests of the State of North Carolina, and urges the public to study it and support the issue on election day, Tuesday, November 7th, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Sumner discussed the money spent by the Chamber of Commerce for advertising, and advised that said Chamber has no appropriation in its budget for advertising outside of North Carolina other than that carried by local newspapers. Councilman Sumner stated that since the city provides one-third of the Chamber budget the Council should have some say-so in the expenditure of this money.

The City Manager stated he would secure a full report from the Chamber of Commerce on this subject.

Mr. E. M. Salley, Jr., Executive Director of the Central Asheville Association, extended an invitation to the Council to attend the Association's annual meeting on November 7th at 12:30 in the Battery Hotel.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Tuesday, November 6, 1961 -- 2:00 o'clock P. M.

At the request of Mayor E. W. Eller the following notice was sent to all members of the City Council more than twelve hours previous to the time set for this meeting:

Dear Sir:

A special meeting of the City Council has been called by E. W. Eller, Mayor of the City of Asheville, to be held Monday, November 6, 1961, at 2:00 o'clock P. M. in the Council Chamber of the City Hall for the purpose of considering and acting upon the following matters or subjects:

(1) To consider an agreement with the North Carolina State Highway Commission to provide lighting for the Asheville Expressway and Beaucatcher Tunnel.

(2) Any and all other subjects or matters which may legally come before the Council.

Yours very truly,

Margaret Simmons
City Clerk

The following notice was published in The Asheville Times one time prior to said meeting:

NOTICE OF SPECIAL MEETING OF
THE CITY COUNCIL OF THE CITY
OF ASHEVILLE

TO WHOM IT MAY CONCERN: Notice is hereby given that the City Council of the City of Asheville will meet in the Council Chamber, 2nd floor, City Hall, at 2:00 o'clock P. M., Monday, November 6, 1961.

The purpose of the meeting is to consider and act upon the following matters or subjects:

(1) To consider an agreement with the North Carolina State Highway Commission to provide lighting for the Asheville Expressway and Beaucatcher Tunnel.

(2) Any and all other subjects or matters which may legally come before the Council.

E. W. Eller
Mayor

By request Margaret Simmons
City Clerk

The City Council of the City of Asheville, North Carolina met in special session on Monday, November 6, 1961, at 2:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, [illegible]. McRary, W. F. Algary, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The oath of office as a member of the City Council was administered Mr. Ralph D. Morris, Sr.

The City Manager explained that the purpose of this special meeting was to consider an agreement [illegible] the North Carolina State Highway Commission to provide lighting for the Asheville Expressway and Beaucatcher Tunnel, and explained the provisions of the agreement. The City Manager further advised that it was necessary to consider the agreement now in order to meet the schedule for the letting of contracts for improvements by the State Highway Commission and speed up installation of this lighting system.

Councilman Sumner suggested that the rates for electricity for this type of installation as charged by the Carolina Power and Light Company are too high, and that this matter should be taken up with the Utilities Commission to see if lights can be put on a meter basis, and that said meters be combined to give a more favorable rate.

The City Manager stated he would be glad to explore this matter.

The following resolution was offered by Councilman McRary, and seconded by Councilman Mulvaney, and upon being put to vote was unanimously carried:

WHEREAS, the Commission has constructed the Asheville Expressway in the City of Asheville, North [illegible]olina, and has now adopted plans and specifications for lighting said Expressway under Project 8.19031, said project [illegible]ating of the lighting of the Asheville Expressway including Beaucatcher Tunnel beginning at the east end of Smoky [illegible]ain Bridge running thence in an easterly direction through the City to the east end of Beaucatcher Tunnel a total [illegible]ance of 2.057 miles, and being identified as State Project 8.19031, Federal Aid Projects U-661(9) & U-45(14); and

WHEREAS, the Commission agrees, in the interest of public convenience and safety, to install at its [illegible]cost and expense a complete lighting system for the protection of traffic on the Asheville Expressway between the [illegible]nts described above, said system to provide lights in accordance with the details shown upon the plans for the pro[illegible]ed electrical system for the Asheville Expressway and being identified as State Project 8.19031, Federal Aid Projects [illegible](9) & U-45(14);

WHEREAS, in consideration of the Commission's agreement to provide said lighting system, the City hereby agrees to do the following at its own cost and expense; provide all necessary extensions of power service facilities required in order to furnish current for the lighting system; to provide current required for the operation of said lighting system as part of its street lighting system; and make all necessary repairs, including lamp renewals, which may be required from time to time to insure the proper operation and maintenance of said lighting system provided, and it is expressly understood, that this agreement is intended to cover only such repairs as may be necessary to maintain proper operation of the system and is not intended to obligate the City for replacements or the repair of damage caused by actions of the elements of such exceptional nature as to be classified as Acts of God.

NOW, THEREFORE, BE IT RESOLVED that the installation of the lighting system on the aforesaid Expressway be and it is hereby formally approved by the Board of Councilmen of the City of Asheville, and that the Mayor and Clerk of said City be and they are hereby empowered to sign and execute the required agreement between this City and the State Highway Commission.

I move the adoption of the foregoing resolution.

J. W. McRary
COUNCILMAN

SECONDED BY:

Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 6th day of November, 1961.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #4 at page 149.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 9, 1961 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, November 16, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 16, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., C. E. Morgan, F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Full Gospel Assembly of God Church requesting that Lot 188, [illegible] be removed from Residential District to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Mulvaney introduced a resolution appointing member of the City of Asheville Board of [illegible] Control, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 150.

The City Manager advised that it was necessary to pass a new resolution requesting inclusion of Asheville in the proposed Buncombe County Metropolitan Sewerage District in order to clarify certain legal points in relation to the state enabling act and set out the boundaries of the proposed sewerage district.

Following a discussion, Councilman Morgan introduced a resolution stating the necessity for the creation of a Metropolitan Sewerage District and requesting the creation of the same pursuant to the provisions of House Bill 796 enacted by the General Assembly at the 1961 regular session, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

RESOLUTION

STATING THE NECESSITY FOR THE CREATION OF A METROPOLITAN SEWERAGE DISTRICT AND REQUESTING THE CREATION OF THE SAME PURSUANT TO THE PROVISIONS OF HOUSE BILL 796 ENACTED BY THE GENERAL ASSEMBLY AT THE 1961 REGULAR SESSION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

SECTION 1. That, in order to preserve and promote the public health and welfare within the [illegible] having the boundaries set forth on the map attached hereto as Exhibit "A", and by this reference incorporated herein and made a part hereof, it is necessary that a metropolitan sewerage district be created under the provisions of House Bill 796, enacted by the General Assembly of the State of North Carolina at the 1961 Regular Session.

Section 2. That it is hereby requested that there be created a metropolitan sewerage district under the provisions of the aforesaid House Bill 796 having the boundaries set forth on the said map attached hereto as Exhibit "A".

SECTION 3. That the City Clerk is hereby authorized and directed to file a certified copy of this resolution with the Board of Commissioners for the County of Buncombe, North Carolina.

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY:

J. W. McRary
COUNCILMAN

Read, approved and adopted, this 16th day of November, 1961.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #4 at page 151.

The City Manager presented statement showing the budget position of the city for the period ending October 31, 1961.

The City Manager distributed to members of the Council copies of the November issue of News of Asheville Public Libraries sponsored by the Library Board of Trustees.

Councilman Algary reported that he had complaints of wide-spread damage to windows by air guns, and asked for consideration of an ordinance requiring the securing of permits for all buyers of air rifles.

The City Manager suggested that information on this matter be secured from the North Carolina League of Municipalities and other cities.

Following a discussion, the City Manager and Corporation Counsel were requested to develop the facts and report back to the Council.

The City Manager introduced a group of Lee Edwards High School students who had spent the day with city officials in observance of Youth Appreciation Week sponsored by Optimist International.

The students discussed at length the question of air guns and voted unanimously for the enactment of a regulatory ordinance.

The students also discussed the question of whether the names of juveniles arrested for misdemeanors be published in the press, and voted unanimously that the names should be published but only on the second offense.

The City Manager and Mayor thanked the Optimist International for sponsoring this program, and the students thanked city officials for making this observance possible.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, November 23, 1961 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

CITY CLERK

Thursday, November 30, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 30, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An invitation was received to attend the opening of the new office building of the Public Service Company of North Carolina, Inc. on December 7th at 11:30 a. m.

The City Manager advised that today is the day set for the hearing on the proposed closing of a portion of an alley leading from Hilliard Avenue to Church Street.

There being no objection, Councilman Mulvaney introduced a resolution authorizing abandonment and

closing and discontinuing the public interest in portion of an alley running from Hilliard Avenue to Church Street as shown in Plat Book 2 at page 70, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 152.

The City Manager advised that today is the day set for the public hearing on certain proposed amendments to the zoning ordinance which have previously been recommended by the Planning and Zoning Commission.

There being no objection, Councilman Morris introduced Ordinance No. 453, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED" which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

Mr. Fred Phillips, president of Asheville-Biltmore College Board of Trustees, and Mr. Gerald [illegible] a 'trustees' committee for development of a campus road, presented an offer to the city of a 22.05 foot wide right-of-way by Mr. and Mrs. Verne Rhoades, for the construction of an access road to the new Asheville-Biltmore College campus, said right of way being sixty feet wide and designed to carry a forty foot pavement. Mr. Phillips presented donations of small tracts of land by Landon Roberts and C. D. Williams, and advised that the proposed road across the south section of the college campus to intersect with Broadway. The Council was advised that this proposed new street falls in line with previously announced city thoroughfare planning, and that the trustees have already taken formal action requesting the city to accept the proposed new street into the city street system.

The Council expressed appreciation of this offer, and the City Manager and Corporation Counsel were directed to take action to work out the legal details for accepting dedication of the proposed new thoroughfare into the city street system, and for seeking state aid in meeting paving costs.

Councilman Sumner advised that he has noticed numerous cases of illegal parking on College Place, and the Manager was requested to investigate the feasibility of installing parking meters in the area.

Councilman Algary discussed the thefts of hub caps and other auto parts, and suggested adoption of an ordinance requiring auto parts dealers to secure the names and addresses of all persons offering parts for sale.

No action was taken by the Council.

Councilman Morris reported that a number of streets in the Haw Creek and Beverly Hills sections have no shoulders, and the City Manager stated an immediate investigation would be made.

There being no further business, the meeting was upon motion adjourned.

Margaret [illegible]
City Clerk

Thursday, December 7, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 7, 1961, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Ralph Morris, Sr., F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that Lot 188, Sheet 9, Ward 3 remain as it is now zoned.

December 6, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that Lot 188, Sheet 9, Ward 3, remain as it is now zoned.

Sincerely yours,

AR:nr
Encl:
BN AS - N 15.25

S/ Anthony Redmond
Anthony Redmond,
Secretary

This recommendation was accepted as information by the Council.

A communication was received from the Planning and Zoning Commission recommending approval of a subdivision of property owned by Harold K. Bowling in the Oakley section.

December 7, 1961

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by P. R. Hagan, Surveyor, for Mr. Harold K. Bowling and dated December 1, 1961, shows the subdivision of real estate in the Oakley section. The road proposed in this subdivision would be an extension of the existing Harmony Lane.

The above described plat has been reviewed by this Commission at a regular meeting held on May 3, 1961. It is recommended that it be given your approval.

Sincerely yours,

JRH:nr
Encl:
BN AS - N 15.30

S/ John R. Hampton
John R. Hampton,
Planning Director.

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

Ordinance No. 453, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Councilman Algary voted "aye"
Mayor Eller voted "aye"

The City Manager reported that as requested by the Council information had been secured from the North Carolina League of Municipalities regarding BB guns or air rifles, and that the League advised several large North Carolina cities, including Charlotte, Greensboro and High Point, have strict air gun regulation. The City Manager submitted a specimen ordinance prepared by the League which prohibits the firing of air rifles, air pistols or spring guns within the city limits.

The City Manager pointed out that the present city ordinance regulating use of firearms does not define air guns as such, but prohibits the firing of any firearm within twenty-five yards of any public thoroughfare or property except in self defense, which ordinance could be amended to include air guns.

The matter was discussed by the Council, and it was decided that the Corporation Counsel be requested to draw up a trial ordinance, the provisions of said ordinance to be made public as soon as it is prepared in order to get the public reaction on this subject.

Councilman Algary introduced a resolution appointing another Bond Registrar under the provisions of the City Council resolution entitled "A RESOLUTION PROVIDING FOR THE ISSUANCE OF $4,500,000 WATER BONDS OF 1961 AND PLEDGING THE NET REVENUES OF THE WATERWORKS SYSTEM OF THE CITY TO THE PAYMENT OF AND THE INTEREST ON SAID BONDS ON A PARITY WITH THE PLEDGE OF SUCH REVENUES TO THE PAYMENT OF THE WATER BONDS OF 1951", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 153.

The City Manager reported that the proposed new access street to serve Asheville-Biltmore College has been discussed with the Division Engineer of the State Highway Commission, who has submitted said plan to the Planning Body of the State Highway Commission for review and report.

The City Manager reported that the Planning and Zoning Commission has recommended that restr
tions on Asheville Airport property to be leased or sold for private development be enforced through restrictio
in the leases or deeds of sale.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 14, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 14, 1961, at 4:00 o'clock P. M. w
Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, Ralph D. Morris, Jr
C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 453, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING O
DINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon
tion of Councilman Morris, seconded by Councilman Algary, unanimously passed on its third and final reading wh
following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 453

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDI
FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORD
NANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defin
in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this
tion shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-6 Residential District to Ne
borhood Trading Area:

Lots 412, 413, and 414, Sheet 26, Ward 7 (Biltmore).

(2) That the following described property be rezoned from Neighborhood Trading Area and R
Residential Area to Commercial Area:

Lots 161, 162, 182, 183, 184, 181, 180, 179 and 178, Sheet 4, Ward 6

(3) That the following described property be rezoned from RA-6 Residential Area to Busine
District:

That portion of Lot 8-3/4, Sheet 7, Ward 6, Buncombe County Tax Maps, as now constituted, which lies to the South of Lot 9, and would be south of an imaginary line extended from the Southeast corner of Lot 9 to the Northwest corner of Lot 7-3/4.

(4) That the following described property be rezoned from Neighborhood Trading Area to Com
mercial District:

BEGINNING at the intersection of the Southern corner of Lot 65½, the new Leicester Highway, and Southern Rail Road Right-of-Way, as shown on Buncombe County Tax Maps, Ward 6, Sheet 20, as now constituted, and proceeding in a Northwesterly direction along the Southern edge of the New Leicester Highway to a point 500', measured perpendicularly, from the center line of the Southern Rail Road Right-of-Way; thence in a Southwesterly direction along a line 500' feet from said Right-of-way, through Lots 72½, 67½, across the old County Home Road, through Lots 9½ and 117 to a point on the Western bounds of Lot 117, which is 500' measured perpendicularly from the said Right-of-Way and is on Smith Mill Creek; thence in a Southerly direction with Smith Mill Creek along the Western bounds of Lots 117, 116, and through Lot 115 to the Southern Rail Road Right-of-Way; thence in a Northeasterly direction along the said Right-of-Way to the point of BEGINNING.

(5) That the following described areas, as shown on the Buncombe County Tax Maps, as now c
stituted, be zoned RA-6 Residential Area:

Ward 6, Sheet 21, (Formerly Hazel, 32);
Ward 6, Sheet 23, (Formerly Lower Hominy, 1);
Ward 6, Sheet 24, (Formerly Lower Hominy, 2);
Ward 6, Sheet 29, (Formerly Hazel, 20); and
Ward 6, Sheet 30, (Formerly Hazel, 11).

Section 2. That Section 2.1 (RA-10 - Residential District) of said Ordinance #322, as amended, and the same is hereby amended as follows:

A. That the second paragraph of Section 2.1, D. be and is hereby repealed, and a new paragraph hereby enacted in lieu thereof as follows:

Through lots shall have the required front yards on both streets.

B. That paragraph I. Corner Lots (See Exhibit #1) be and is hereby repealed, and a new para- is hereby enacted in lieu thereof as follows:

I. Corner Lots. (See Exhibit #1)

One street side of a corner lot shall be considered a front yard and shall conform to the front yard requirements. The second street side of a corner lot shall be considered a front yard, but shall be (50) fifty per cent of the front yard requirement on said second street side. No accessory building on a corner lot shall extend beyond the normal front yard line on either street; provided further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot of record at the time of the passage of the original ordinance 322 to less than twenty eight (28) feet, or to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

Section 3. That Section 3 (RA-8 Residential District) of said Ordinance #322, as amended, be and same is hereby amended as follows:

A. That the second paragraph of Section 3, D., be and is hereby repealed, and a new paragraph is hereby enacted in lieu thereof as follows:

Through lots shall have the required front yards on both streets.

B. That paragraph J.of said Section 3 be and is hereby repealed, and a new paragraph is hereby acted in lieu thereof as follows:

J. Same as RA-10 Residential District.

Section 4. That Section 4 (RA-6 - Residential District) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

A. That paragraph D., of said Section 4 be and is hereby repealed, and a new paragraph is hereby acted in lieu thereof as follows:

D. Front Yard Required.

There shall be a front yard having a depth of not less than twenty-five (25) feet measured from the front property line to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation in depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than twenty-five (25) feet. Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable for such lot. Through lots shall have the required front yard on both streets.

Section 5. That Section 5. (RA-5 - Residential District) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

That Paragraph D., of said Section 5 be and the same is hereby repealed, and a new section is here- enacted in lieu thereof as follows:

D. Front Yard Required.

There shall be a front yard having a depth of not less than fifteen (15) feet measured from the front property line, to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation of depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than fifteen (15) feet. Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than 200 feet apart. Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustment will establish a front yard depth suitable and practical for such lot. Through lots shall have the required front yards on both streets.

Section 6. That the office of the City Engineer is hereby authorized and directed to make the ges as hereinbefore enacted in said zoning map.

Section 7. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and se thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be lared invalid.

Section 8. That all ordinances and clauses of ordinances in conflict herewith be and are hereby ealed.

Section 9. That this ordinance shall be in full force and effect fifteen days from date of final age.

I move the adoption of the foregoing ordinance, this 30 day of November, 1961.

Ralph D. Morris
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 14 day of December, 1961, to become effective 29 day of D
ber, 1961.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The Corporation Counsel presented a proposed ordinance completely banning the use of air g
or similar devices or weapons, within the corporate limits of the City of Asheville.

The ordinance was discussed by the Council, and it was decided that full publicity should b
given, and that the ordinance be considered again after the first of the year.

The City Manager explained that in order to clear the title to a certain lot on Davenport
Street it is necessary that the City execute a quit-claim deed, and that all taxes on said property have been
and that the city has no interest in the same.

Whereupon, Councilman Mulvaney introduced a resolution authorizing Mayor to execute quit-cl
deed to Lewis R. Higdon and wife, Thelma B. Higdon, to Lot 154, Sheet 17, Ward 5 in the City of Asheville, whi
upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book # 4 at page 154.
Copy of deed will be found attached to said resolution.

The City Manager presented the audit of the City of Asheville for the period ending Septe
30, 1961.

The City Manager presented the statement showing the budget position of the city for the p
ending November 30, 1961.

Councilman Mulvaney called attention to a traffic hazard which exists at the intersection
Patton Avenue and the Leicester Highway, and suggested that a traffic light be installed.

The City Manager advised that a complete study will be made of this problem to determine i
installation of such a light is justified.

Councilman Morris called attention to a similar traffic hazard existing at the intersection
the Tunnel Road and Beverly Road.

The City Manager advised that it has already been determined a light is needed at this poi
and the Director of Public Safety stated the installation is planned in the next budget period.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, December 21, 1961 - 4:00 o'clock P.

The City Council met in regular session Thursday, December 21, 1961, at 4:00 o'clock P. M
Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Ralph D. Morris, Sr. F. M. Mulvaney, C. E. Mo
W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Mr. Shelby E. Horton, Jr., attorney for Trustees and Members of Grace Baptist Church, pre
ed a request for the rezoning of Lots 238, 256, 257, 79, 80, and 81 of Ward 5, Sheet 12.

The City Manager advised that churches are permitted in any zone.

This request was referred to the Planning and Zoning Commission for study and recommendati

The City Manager advised that in the widening of Victoria Road it was necessary to secure certain
ght-of-way, and that Grace W. Griffith had agreed to exchange property needed for the new right-of-way for property
the old road bed that was no longer needed by the city.

Following a discussion, Councilman Morgan introduced a resolution authorizing Mayor and City Clerk
execute a quit-claim deed to Grace W. Griffith in exchange for a deed for an adjoining strip of land in connection
h widening of Victoria Road, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimous-
adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 155.
Complete copy of deed will be found attached to original resolution.

The City Manager advised in regard to the sale of the old armory site adjoining the Municipal Golf
rse that this property had been duly advertised, and that a public sale was held on December 4th, at which time the
lexander interests had made a bid of $37,000.00, that more than ten days have elapsed since said sale, and that no in-
ased bid has been received on said property.

Councilman Sumner stated that he thought $37,000 was too low a price for the property; that he
s of the opinion the property was worth $50,000; that the Council had a responsibility not to sell property for less
an it is worth; that he is opposed to accepting this offer; and that this matter should be held open for six months,
d the property re-advertised.

Councilman Morgan then introduced a resolution authorizing Mayor and City Clerk to execute a deed
Alexander Investment Company, which was seconded by Councilman Morris.

The matter was discussed at length by the Council, with Councilman McRary concurring with the views
pressed by Councilman Sumner.

Following the discussion a vote was taken with Councilmen Mulvaney, Algary, Morris and Morgan vot-
g in favor of accepting said offer and directing Mayor to execute deed, and Councilmen Summer and McRary voting against
id resolution.

Complete copy of resolution will be found in Resolution Book #4 at page 156.
Complete copy of deed will be found attached to original resolution.

The City Manager advised of letters that had been received in regard to BB guns, and stated that
was assumed that it would be sometime after the first of the year before the Council would take this matter under
nsideration, and that full publicity would be given of this date.

Mr. Fred Molt, President of the N. C. Rifle and Pistol Association, and Joe Davis, secretary of
Asheville Rifle and Pistol Club, were present and requested permission to present certain modifications of the pro-
ed ordinance to the Corporation Counsel before the public hearing.

The Council was in agreement with this request, and Mr. Molt and Mr. Davis were advised that there
s no intention to do away with properly supervised rifle and pistol clubs.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 28, 1961 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 28, 1961, at 4:00 o'clock P. M.
d Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner,
W. McRary, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Council discussed at length the need for better highways in Western North Carolina, Coun-
ilman Algary recalling the Council's unsuccessful attempt last September to get a break-down from the State Com-
missioner of Revenue on county-by-county gasoline tax collections. Councilman Algary suggested that the Council
pass for information by seeking bulk sales data from major Western North Carolina oil distributors.

Councilman Sumner moved that the city bring suit against the State Tax Commissioner for re-
ase of collection figures, but withdrew the motion.

The City Manager suggested that figures be obtained on auto registrations in Western North
rolina counties to get a base for estimating the relationship between gas taxes collected as compared to highway
s allocated to western counties, and the Council agreed that such a study would be helpful.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, January 4, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 4, 1962, at 4:00 o'clock P. M. with
yor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., C. E. Morgan, T. B. Sumner, W. F. Algary,
W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending approval of a plat of property on Overbrook Road in the Beverly Hills area.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by S. W. Huddleston, Surveyor, for U. S. Builders, Inc. and dated December 11, 1961, shows the subdivision of property on Overbrook Road in the Beverly Hills area.

The above described plat has been reviewed by this Commission at a regular meeting held on August 2nd, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
BN AS - N 15.30
Encl:

A communication was received from the Planning and Zoning Commission recommending approval of a plat of property of Sunset Mountain Company, Inc.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by S. W. Huddleston, Surveyor, for the Sunset Mountain Company, Inc. and dated January 4, 1961, shows the subdivision of real estate on Sunset Mountain.

The above described plat has been reviewed by this Commission at a regular meeting held on October 4th, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
BN AS - N 15.30
Encl:

Councilman McRary moved that the above plats be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Algary and adopted, with Councilman abstaining from voting on the Sunset Mountain Company plat.

A communication was received from the Planning and Zoning Commission recommending that the area annexed by City Ordinance #451 be zoned RA-10 Residential Area.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held on Wednesday, January 3, 1962, the following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that the area annexed by City Ordinance #451, dated August 24, 1961 and effective January 1, 1962 be zoned RA-10 RESIDENTIAL AREA. This annexation is recorded in Buncombe County Register of Deeds Office in Plat Book 33, Page 51.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

This recommendation was accepted by the Council, and the City Clerk was requested to set time for a public hearing on said amendment to coincide with other hearings on similar zoning requests, with Councilman Morgan abstaining from voting.

The City Manager advised that the term of John W. Spicer as a member of the local Board of Trustees of the Firemen's Relief Fund had expired.

Whereupon, Councilman Morris introduced a resolution appointing member of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 157.

Mayor Eller advised the Council numerous West Asheville residents have asked for a traffic signal light at the intersection of Haywood Road and Louisiana Avenue.

The City Manager agreed the signal is needed, and promised early action to secure its installation.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 11, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 11, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

Minutes of the previous meeting were read and approved.

The proposed ordinance on BB guns was discussed by the Council, and it was decided to set a public hearing on this matter for February 1st.

The Corporation Counsel was requested to prepare an ordinance for consideration prohibiting the discharge of such devices, with exceptions for law enforcement officers, persons defending life or property, and firing on supervised ranges.

The City Manager advised that Coble Dairy Products Cooperative had requested permission to erect an 18 by 48 foot sign on the firm's new distributing plant on Hall Street, which is within 200 feet of the Crosstown Expressway right-of-way, and recommended that approval be granted.

The matter was discussed by the Council, following which Councilman Morgan moved that approval be granted, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager reported that the new downtown parking lot on Rankin Avenue, established in cooperation with the Central Asheville Association, grossed $470.25 during the brief portion of December when it was in operation without paving, and advised that grading will be completed shortly for permanent paving to be installed during the spring.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 18, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 18, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Mrs. Lucille Wilson Ray, through her attorney W. Harold Sams, presented a claim for damages for personal injuries in the amount of $10,000.00, which was referred to the Corporation Counsel for investigation.

January 18, 1962

The Honorable Mayor and the members of the City Council of the City of Asheville, North Carolina:

Please take notice that Mrs. Lucille Wilson Ray, by and through her Attorney W. Harold Sams, claim damages against the City for an injury growing out of the negligence of the City to allow a watermeter top South Lexington Avenue in the rear of the Man's Store, to remain on the sidewalk in a dangerous condition. Mrs. Ray fell as a result of the condition of the top of this watermeter and fractured her right hip and was hospitalized under Doctor Stanley S. Atkins, MD. in Memorial Mission Hospital. This accident occurred on the sixth day of November, 1961, resulting in permanent injury to Mrs. Ray, who is a lady about sixty-five years of age. The amount of the damages she claims is $10,000.00.

A communication was received from the Planning and Zoning Commission recommending approval of a plat of property on Overbrook Road in the Beverly Hills area.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by S. W. Huddleston, Surveyor, for U. S. Builders, Inc. and dated December 11, 1961, shows the subdivision of property on Overbrook Road in the Beverly Hills area.

The above described plat has been reviewed by this Commission at a regular meeting held on August 2nd, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
BN AS - N 15.30
Encl:

A communication was received from the Planning and Zoning Commission recommending approval of a plat of property of Sunset Mountain Company, Inc.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat prepared by S. W. Huddleston, Surveyor, for the Sunset Mountain Company, Inc. and dated January 4, 1961, shows the subdivision of real estate on Sunset Mountain.

The above described plat has been reviewed by this Commission at a regular meeting held on October 4th, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
BN AS - N 15.30
Encl:

Councilman McRary moved that the above plats be approved by the Council in accordance wi the requirements of Ordinance 424, which motion was seconded by Councilman Algary and adopted, with Councilma abstaining from voting on the Sunset Mountain Company plat.

A communication was received from the Planning and Zoning Commission recommending that t area annexed by City Ordinance #451 be zoned RA-10 Residential Area.

January 4, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held on Wednesday, January 3, 1962, the following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that the area annexed by City Ordinance #451, dated August 24, 1961 and effective January 1, 1962 be zoned RA-10 RESIDENTIAL AREA. This annexation is recorded in Buncombe County Register of Deeds Office in Plat Book 33, Page 51.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

This recommendation was accepted by the Council, and the City Clerk was requested to set time for a public hearing on said amendment to coincide with other hearings on similar zoning requests, with Councilman Morgan abstaining from voting.

The City Manager advised that the term of John W. Spicer as a member of the local Board of ustees of the Firemen's Relief Fund had expired.

Whereupon, Councilman Morris introduced a resolution appointing member of Board of Trustees the Firemen's Relief Fund, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unani-ously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 157.

Mayor Eller advised the Council numerous West Asheville residents have asked for a traffic gnal light at the intersection of Haywood Road and Louisiana Avenue.

The City Manager agreed the signal is needed, and promised early action to secure its installa-on.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 11, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 11, 1962, at 4:00 o'clock P. M. ith Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, ity Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.
Minutes of the previous meeting were read and approved.

The proposed ordinance on BB guns was discussed by the Council, and it was decided to set a blic hearing on this matter for February 1st.

The Corporation Counsel was requested to prepare an ordinance for consideration prohibiting the harge of such devices, with exceptions for law enforcement officers, persons defending life or property, and fir-g on supervised ranges.

The City Manager advised that Coble Dairy Products Cooperative had requested permission to ct an 18 by 48 foot sign on the firm's new distributing plant on Hall Street, which is within 200 feet of the owntown Expressway right-of-way, and recommended that approval be granted.

The matter was discussed by the Council, following which Councilman Morgan moved that approval granted, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager reported that the new downtown parking lot on Rankin Avenue, established in operation with the Central Asheville Association, grossed $470.25 during the brief portion of December when it was operation without paving, and advised that grading will be completed shortly for permanent paving to be installed the spring.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 18, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 18, 1962, at 4:00 o'clock P. M. with yor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, F. M. lvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Mrs. Lucille Wilson Ray, through her attorney W. Harold Sams, presented a claim for damages for sonal injuries in the amount of $10,000.00, which was referred to the Corporation Counsel for investigation.

January 18, 1962

The Honorable Mayor and the members of the City Council of the City of Asheville, North Carolina:

Please take notice that Mrs. Lucille Wilson Ray, by and through her Attorney W. Harold Sams, ims damages against the City for an injury growing out of the negligence of the City to allow a watermeter top South Lexington Avenue in the rear of the Man's Store, to remain on the sidewalk in a dangerous condition. Mrs. fell as a result of the condition of the top of this watermeter and fractured her right hip and was hospitalized Doctor Stanley S. Atkins, MD. in Memorial Mission Hospital. This accident occurred on the sixth day of November, , resulting in permanent injury to Mrs. Ray, who is a lady about sixty-five years of age. The amount of the ages she claims is $10,000.00.

This Notice is filed pursuant to the provisions of the Charter of the City of Asheville, and pursuant to the laws of the State of North Carolina, applying to same.

This 18th day of January, 1961.

S/ W. Harold Sams
W. Harold Sams, Attorney for Claimant

Councilman Morgan discussed the planting and removal of trees and clearing off of vacant property, and the City Manager advised of the City's policy in these matters.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret [illegible]
CITY

Thursday, January 25, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 25, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the president of the Portsmouth Little Theatre, Portsmouth, Va., advising that the play "Look Homeward Angel" by Thomas Wolfe would be presented February 7 - 10, and that the [illegible] night, February 7th, would be designated as "Asheville Night". Any citizen of Asheville is invited to be a guest opening night.

The City Manager suggested that the Thomas Wolfe Memorial Association be requested to repre[illegible] the city, and the Council so directed. The City Manager was also requested to take care of the publicity in connection with this promotion.

A letter was received from the State Stream Sanitation Committee advising of the creation of the Metropolitan Sewerage District of Buncombe County, which was received as information.

The City Manager advised that negotiations had been completed for leasing the property at [illegible] nut Street and Rankin Avenue now occupied by the Charles Hotel and making this property available for parking in connection with the property already acquired on the west side of Rankin Avenue between College Street and Walnut Street.

The Council discussed the matter, Councilman Sumner stating he thought the $250.00 rental was too high, but that he would not oppose the lease.

Following the discussion Councilman Morgan introduced a resolution directing Mayor and City Clerk to execute lease with Arthur A. York and wife, Virginia York, on property located on Walnut Street for public parking lot, which was seconded by Councilman Mulvaney, and unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 158.
Copy of lease will be found attached to original resolution.

The City Manager advised of a proposal to convert Pack Square east of Vance Monument to an off-street parking area submitted by the Central Asheville Association, citing advantages of increased parking facilities and holding that the city's underground rest rooms on the square have lost usefulness due to changes in the city's public transportation centers.

The Council discussed the matter. Councilman Sumner questioned the benefit of adding the square parking when there is a parking lot just around the corner which isn't full, and stated the square ought to be beautified, and beautification would have more effect than making 36 parking spaces available. Mayor Eller commented that beautification would tie in with the city's proposed urban renewal project north of the City-County Plaza. Councilman Algary proposed that the Council pick up the idea of beautification to encourage down town development. Councilman Algary also asked if there are other rest room facilities open in the area, and the City Manager advised there are a reasonable number in service stations, hotels and public buildings.

The City Manager expressed the opinion that additional shopping centers should be located in the down town area, and that the city should assist in any effort by property owners to improve this area.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret [illegible]
CITY CLERK

Thursday, February 1, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 1, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received signed by Bretney Smith, Acting Chairman of a committee made up of representatives of Central Asheville Association, Merchant's Association, Chamber of Commerce, and Greater Asheville Council, requesting an improvement of bus service.

This was received as information by the Council.

A petition signed by some forty persons asking that Haywood Road between Johnston Boulevard and the city limits be renamed as a continuous extension of Patton Avenue was received.

The City Manager advised that it was the policy of the city to follow through on such requests made by interested parties, and that without objection from the Council this request would be handled as an administrative matter.

The Mayor announced that today is the day set for the public hearing on the proposed ordinance regulating firearms, air rifles, spring guns and similar devices, and the Corporation Counsel read the proposed ordinance.

Mr. R. Stanford Webb suggested that the authority to inspect and approve supervised ranges be given to the Department of Public Safety instead of the Police Department, and that the word "use" be stricken from the section authorizing seizure and possible confiscation, which changes were accepted. Mr. Webb also suggested alternate adoption of a suggested model ordinance submitted by attorneys of Crossman Arms Co. of New York.

The City Manager advised that the Crossman ordinance applies only to air guns.

Speakers objecting to the proposed ordinance were Mr. Joe Davis, secretary of the Asheville Rifle and Pistol Club; Mr. C. L. Theed, representative of the National Rifle Association; E. W. Armistead, Dr. R. A. Kennerly, Ernest Weaver and H. E. Setzer.

Speaking in favor of said ordinance was Allan Culberson.

The City Manager presented a tabulation of letters received, showing fifteen writers supporting the ordinance, and five opposed.

Following the discussion, Councilman Algary introduced Ordinance No. 454, being "AN ORDINANCE REGULATING FIREARMS, AIR RIFLES, SPRING GUNS AND SIMILAR DEVICES", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, adopted on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "no"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

Councilman McRary introduced a resolution authorizing Mayor to request the Housing and Home Finance Agency to recertify the City's program for urban renewal under the Federal Housing Act of 1954, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 159.

Mr. John Ehle, Chairman of the Eliada Board of Trustees, appeared before the Council asking for city assistance in meeting a serious operating deficit at the home, stating that a similar request had been made to the Board of County Commissioners. Other speakers in this behalf were Mr. Albert Clark and Mr. Arch Cameron.

Councilman McRary stated he felt such aid should come from the county rather than the city, and pointed out that county contributions would be largely supported by Asheville taxpayers.

The City Manager advised that the current city budget makes no provision for the contribution requested, and suggested that the Eliada Board make its request in writing with a specific statement of funds needed for submission when the next budget is prepared in May.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

Thursday, February 8, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 8, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, Ralph D. Morris, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending approval of a plat of property of Richmond Hill Park - Sec. 4.

February 8, 1962

[illegible]
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Richmond Hill Park - Sec. 4", prepared by Hollowell and Associates, Engineers, and dated January, 1962 shows the subdivision of real estate adjoining the existing Richmond Hill Park.

The above described plat has been reviewed by this Commission at a regular meeting [illegible] 2, 1962. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

A letter was received from the Ministerial Association of Asheville and Buncombe County stating that bus service on Sundays is inadequate to serve downtown churches, and offering its services to the Council if it desires their help in this matter.

A letter was read from Merlin Wutschel commending the Council on its current action toward prevention the use of firearms in the City of Asheville.

Major T. A. Cox presented a letter recognizing the need for an effective air gun ordinance but suggesting certain amendments including ownership cards and requiring minors to be accompanied by parent or adult who assumes responsibility for use of air gun except on supervised ranges.

Speakers in opposition to the ordinance were Read Wilson, James Kelly, George H. White, T. L. Armistead and Joe Davis, secretary of the Asheville Rifle Club.

Councilman Sumner stated that the ordinance is not fully understood and suggested that it be published in full. The Corporation Counsel again read the ordinance.

Councilman Morgan explained his position in voting against the ordinance, stating that it would be hard to enforce, and that it penalizes 90 per cent of boys who handle guns in a proper manner, and that he thinks the responsibility should be placed on the parents.

Following the discussion, Ordinance 454, being "AN ORDINANCE REGULATING FIREARMS, AIR RIFLES, SPRING GUNS AND SIMILAR DEVICES", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "no"
Mayor Eller voted "aye"

Councilman McRary introduced a resolution appointing members representing the City of Asheville to the Metropolitan Sewerage District Board, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of ordinance will be found in Resolution Book 4 at page 160.

Councilman Sumner brought up the question of relieving Woodfin Water District residents whose property has been annexed into the city from paying a county water district tax on top of city taxes, recalling that the Council had gone on record as favoring such action, but that he understands there are legal difficulties.

The City Manager said he would develop the legal facts, pointing out that unlike other annexed areas whose sanitary district bonded debt shares were absorbed by the city the Woodfin District maintains and operates its own water system.

The City Manager presented the audit report of the Asheville Board of Alcoholic Control for the period ending December 31, 1961.

The City Manager presented the Annual Report of the Fire Department for the year 1961.

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1962.

There being no further business, the meeting was upon motion adjourned.

[illegible]
Mayor

CITY CLERK

Thursday, February 15, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 15, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, Ralph D. Morris, Sr., F. M. Mulvaney, C. E. Morgan, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Mr. Joe Davis, secretary of the Asheville Rifle Club, again spoke in opposition to the proposed ordinance regulating firearms, air rifles, spring guns and similar devices. Also speaking against the ordinance was Mr. Ed Dyer, who asked for an ordinance which would prohibit the possession of air guns or firearms by children unless accompanied by an adult.

Speaking in favor of the ordinance was Mr. Richard Ford, president of the North Carolina Society for the Prevention of Cruelty to Animals.

Miss Marjorie Hamlin, a member of the Asheville Rifle Club, expressed the fear that privileges of a group of Eliada Home children who now use the Court House firing range might be lost, but was assured that a range will be kept available.

Councilman McRary explained the provisions of the act and the method of securing approval of the Department of Public Safety.

Following the discussion, Ordinance No. 454, being "AN ORDINANCE REGULATING FIREARMS, AIR RIFLES, SPRING GUNS AND SIMILAR DEVICES", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morris voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "no"
Mayor Eller voted "aye"

ORDINANCE NO. 454

AN ORDINANCE REGULATING FIREARMS, AIR RIFLES, SPRING GUNS AND SIMILAR DEVICES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. No person shall shoot or discharge, within the corporate limits of the City of Asheville, any firearms, guns, rifles, pistols, air rifles, spring guns, or compressed air rifle or pistol, or other similar device or weapon which impels or discharges with force any bullet, shot, or pellet of any kind. Provided, however, that this section shall not apply to any law enforcement officer of any governmental unit, or representative of any governmental agency or body, charged with the duties of protecting life or property, or enforcing laws and regulations while engaged in the performance of his official duty. It is further provided that this section shall not apply in defending one's self or property, or the safety and property of others. Provided further that this ordinance shall not apply to a firing range operated or supervised by an individual, club, or organization for educational or sporting purposes, if said firing range shall have been first inspected and approved by the Department of Public Safety of the City of Asheville.

Section 2. The Chief of Police, or any member of the Police Department, is hereby authorized to seize, hold, and confiscate, subject to order of the Court, any such firearm, weapon, air rifle, or similar device mentioned in the preceding section, which shall be shot, or discharged within the City of Asheville in violation of this ordinance.

Section 3. Any person who shall violate any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor, and shall be fined or imprisoned as provided by statute or ordinance.

Section 4. Effective date. This ordinance shall be in full force and effect from and after the 30th day of March, 1962.

Section 5. All ordinances, or parts of ordinances, in conflict with this ordinance, are hereby repealed.

I move the adoption of the foregoing ordinance, this 1st day of February, 1962.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 15 day of February, 1962, to become effective 15 day of March, 1962.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
COROPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan requested an explanation of why the speed limit on Merrimon Avenue is 35 miles an hour while that on Kimberly Avenue is 30 miles an hour.

The City Manager advised that speed limits on highways through the city are set by state law, while speed limits on other streets are set by the Director of Public Safety, but agreed that a review of the possibility of standardizing speed limits in residential areas should be made. The City Manager further reported that new traffic signals at Louisiana Avenue and Haywood Road and at New Leicester Highway and Patton Avenue are now in operation.

West of

Mr. Allan Culberson, president of the/Westgate Association, thanked the Council for installation of new traffic lights in West Asheville and for renaming of Haywood Road from the Patton Avenue intersection west to make it a continuation of Patton Avenue.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 22, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 22, 1962 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding and Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Robert M. Folkel requesting the rezoning of Lot 206 Sheet [illegible] from Residential Business to Industrial District, which was referred to the Planning and Zoning Commission for study and recommendation.

A proposal was received from W. C. Macon, Robert M. Stancil, Bill Britt and Dewey Worley for the Asheville-Hendersonville Airport property for $800.00 per month.

The City Manager advised that the present holders of a lease on this property are found unable to agree with the new rent, and he feels that notice should be given them that if said rent is not paid a new lease would be considered.

Councilman Sumner moved that the holders of the present lease be instructed to pay up to [illegible] at which said lease will be considered null and void and new lease will not be considered until they [illegible] which motion was seconded by Councilman McRary, and unanimously adopted.

Harold T. Epps, attorney for Helen Ruff, presented a claim for damages for personal injuries in the amount of $25,000.00, which was referred to the Corporation Counsel for investigation.

NOTICE

To the Mayor and Council of the City of Asheville, North Carolina:

You will please take notice that the undersigned Helen Ruff, of Buncombe County, North Carolina, and Harold T. Epps, her attorney, pursuant to section #148 of the city charter of the City of Asheville, as the result of personal injuries sustained by her on the 16th day of January, 1962, on a public street in said city, as follows: She was walking on the East side of Biltmore Avenue near the Saint Joseph Hospital and across from where Choctaw Street intersects with Biltmore Avenue; that she in crossing from the East to the West side of Biltmore Avenue stepped on a water meter owned and controlled by the employee of the City of Asheville, and that as a result thereof the under-signed claimant received the following injuries:

Medical report detailing injuries sustained attached hereto.

That the dangerous condition which was the cause of the above described accident resulted from the negligence of the city of Asheville; and, that, as a consequence of the negligence of the city of Asheville in that the city of Asheville failed to maintain and keep it's water meters, and covering on the same, in such a condition as to protect the safety and life of bona fide pedestrians: That as a result of the negligence of the said city of Asheville the undersigned claimant has been greatly damaged; that her earning power has been temporarily delayed, caused her to incur medical attention, great inconvenience, mental anguish, excruciating pain and suffering in the sum of Five Thousand ($5000.00) Dollars.

The undersigned claimant, therefore, respectfully presents her claim for said amount, through her counsel, and respectfully requests payment of same.

S/ Harold T. Epps
Attorney for (Mrs.) Helen Ruff

Councilman McRary brought up the matter of air service investigation by the Civil Aeronautics Board and was advised that the Chamber of Commerce has filed an intervenor, and that the City of Asheville is of record in regard to this matter.

Mr. J. Y. Jordan, representing the Bryson Bus Lines, presented petitions signed by 606 passengers of said bus lines requesting that the loading and unloading zone for said buses be re-established at the southeast corner of Pack Square at its intersection with Biltmore Avenue, and stated that the Central Asheville Association Committee concurred in this request.

The City Manager stated that if this is to be considered an administrative matter it will be acted upon at once, and recommended the new location. The Council requested the City Manager to so proceed.

Mr. Morris McGough, executive Vice President of the Asheville Agricultural Development Council presented the Annual Report of said Council, showing the activities and progress being made in the field of agriculture in western North Carolina.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, March 1, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 1, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Ralph D. Morris, Sr., W. F. Algary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir , and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible]

A petition was received from Pilot Construction Company, owner of certain property described herein and located in Hazel Ward, Buncombe County, as shown on a plat of Richmond Hill Park - Section 4, requesting that said property be annexed to the City of Asheville.

Following a discussion, Councilman McRary moved that the Corporation Counsel take the necessary steps to place the matter before the Council at a public hearing, which motion was seconded by Councilman Algary and unanimously approved.

[illegible]

Mayor Eller brought up the matter of a clean-up program for Pack Square, suggesting that the information booth in front of the monument be removed, and that streamer banners be banned from this area. Councilman Sumner suggested that a plan be made in order to tie in with other plans being made by the Redevelopment Commission. Councilman Algary suggested that the rest rooms be eliminated and a fountain constructed.

The City Manager advised that the elimination of the rest rooms would make construction of a fountain financially practical.

Councilman Morris suggested that the information booth be relocated, and that the city work with the Chamber of Commerce to that end, and the City Manager stated that this would be done and suggested as a possible substitute phone booths at main highway entrances with direct lines to the Chamber of Commerce, which method of giving tourist information has been successful in other cities.

Following the discussion, it was the decision of the Council to discontinue the rest rooms, and that the matter be brought before the Council again as soon as the Planning Board can give a plan for the fountain.

[illegible]

Mr. J. Weldon Harris, 3 Knight's Alley, presented a petition signed by ten residents of this alley, requesting that the street be renamed to avoid confusion with Knight Place in West Asheville, and requesting that the street name markers be set out nearer Biltmore Avenue so they could be more readily seen.

This request was approved by the Council.

METERS - North side of College Street

The City Manager reported that the Public Safety Department is considering reinstating metered parking on the north side of College Street at Pritchard Park between Haywood Street and Patton Avenue, the truck loading and unloading zones to be retained.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, March 8, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 8, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, Ralph D. Morris, Sr., F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that Lot 206, Sheet 20, Ward 6 remain as it is now zoned, which was received as information by the Council.

March 7th, 1962

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 206, Sheet 20, Ward 6 remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A petition was received from a group of Haywood Street merchants requesting thirty minute parking on the west side of Haywood between the cross-walk at John Carroll Company to Harry's Cadillac-Pontiac Company.

Mr. E. M. Salley, Jr., executive director of the Central Asheville Association, spoke in support of the request.

This matter was referred to the Department of Public Safety for consideration.

Councilman McRary discussed railroad crossings within the city limits, stating that trains are keeping crossings blocked as much as twenty minutes, and wondered if something could be done to let the trains run faster.

The City Manager explained that a municipal ordinance limits the speed of all trains within the city limits to four miles per hour, and that the railroad also has yard rules regulating speed of trains.

Councilman Mulvaney explained the railroad procedure, and suggested that a method might be worked out to direct traffic over the bridge in case the crossing would be blocked for any length of time.

The Council asked the City Manager to explore the possibility of action by both the city and the railroad to get the crossings cleared faster.

The City Manager reported that deed had been received from Mr. and Mrs. Verne Rhoades conveying right-of-way from Merrimon Avenue through the Rhoades property to the Asheville-Biltmore College, which deed contains the following provision: "The above property is donated to the City for the construction and maintenance of a sixty foot street or boulevard, and is given in memory of Captain and Mrs. W. T. Weaver, parents of Mrs. Rhoades, who developed and loved their home on the adjoining property."

Councilman McRary suggested that an appropriate letter of thanks be forwarded to Mr. and Mrs. Rhoades, and that this street be named Weaver Drive.

The City Manager presented the annual report of the Police Department for the year 1961.

The City Manager presented the statement showing the budget position of the city for the period ending February 28, 1962.

Mr. Charles Newcomb, Manager of the Convention Bureau of the Chamber of Commerce, presented report of the activities of the Convention Bureau.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CL

Thursday, March 15, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 15, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., W. F. Algary, J. W. McRary, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager reported on the request for action to speed up the passage of Southern Railway freight trains at street crossings, advising that the matter is under discussion with railway officials in the hope that something can be worked out, but so far the facts developed are not very encouraging.

The City Manager reported that the matter of parking on Haywood Street is still under considera-

In regard to the recent proposal to lease the old Asheville-Hendersonville Airport tract the City Manager reported that the promoters of drag racing now in arrears in their rent have made a separate arrangement with Henderson County and Hendersonville for operation which will not involve the Asheville owned portion of the tract, and under this arrangement the property has no value to said proposal.

Councilman Algary pointed out that the zoo is a fine family attraction for Asheville and the surrounding area, but that the zoo needs something new to maintain interest. Councilman Algary advised that he knows someone who will start off a fund for the purchase of a pair of zebras with a $50.00 donation, and suggested that perhaps school children and interested citizens might like to make a contribution for this purpose.

The City Manager suggested that the proposal be accepted and that the date of May 1st be set as deadline for soliciting donations.

Following the discussion, Councilman Algary moved that the Mayor be appointed as custodian of the fund, and that May 1st be set as the deadline for said solicitation, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Mulvaney brought up the possibility of keeping Pack Memorial Library open evenings from 7:30 to 9 o'clock, reading a letter containing this suggestion which also proposed using the $7,500 saved by closing down Pack Square rest rooms for added library costs.

Other Councilmen advised of similar letters, and the City Manager commented that the $7,500 has already been proposed to be spent on the beautification projects for Pack Square.

Following the discussion, this matter was referred to the Library Board of Trustees for consideration.

Mr. Paul J. Smith, attorney for Samuel H. Jordan and wife, Mildred B. Jordan, presented a claim for damages due to the construction of the new transmission line in the amount of $10,000, which was referred to the Corporation Counsel for investigation.

NORTH CAROLINA)
BUNCOMBE COUNTY)

NOTICE AND CLAIM OF SAMUEL H. JORDAN AND WIFE, MILDRED B. JORDAN

TO: THE CITY OF ASHEVILLE, ITS MAYOR, CITY MANAGER, AND MEMBERS OF ITS CITY COUNCIL.

YOU WILL PLEASE TAKE NOTICE: That Claimants, SAMUEL H. JORDAN and wife, MILDRED B. JORDAN, residents of 181 New Haw Creek Road, in the City of Asheville, Buncombe County, North Carolina, by and through their Attorney, Paul J. Smith, hereby file this Claim for damages and compensation for injuries and damage to themselves, personally, and to their household and personal property and to their residence and real property, particularly described as follows:

In Haw Creek Ward, Asheville Township, Buncombe County, North Carolina, BEGINNING at a stake in the Southern margin of New Haw Creek Concrete Road, at the Northwest corner of the Dessie Bryson Cox property, said beginning stake also being 111 feet in a Western direction along said margin of said Road from a cross in a culvert over Bee Branch, and T. Tuck's Northwest corner; and runs thence with said Cox's Western line South 15 deg. 16' West, and crossing Bee Creek, 145 feet to a stake; thence North 69 deg. 52' West 169.5 feet to a stake; thence North 23 deg. 27' East, recrossing Haw Creek, and running with Doube Bee Branch, North 23 deg. 27' East 145 feet to a stake in the Southern margin of said Haw Creek Road; and runs thence with the Southern margin of said Road South 69 deg. 34' East 148.2 feet to the place of BEGINNING. Described in Deed Book 676, page 499.

1. Date of taking and infliction of injuries and damage Claimants: Beginning January 13th, 1962 and continuing through March 14th, 1962.

2. Place: 181 New Haw Creek Road, Asheville, North Carolina, as heretofore particularly described therein, by metes and bounds.

3. Character of Injuries, Damage and Taking: That on or about January 13th, 1962, the City of Asheville, by and through its Agent and Contractor, C. F. W. Construction Co., Inc., of the State of Tennessee, began working in close proximity to Claimants' residence on the New Haw Creek Road, City of Asheville, with steam shovels, bulldozers, and other heavy equipment, in the installation of a 36-inch water line over and across Claimants said real property, and began digging deep ditches, and the blasting of rock with high explosives, continuously, and showering and throwing dust, rock, water and debris on Claimants' real property, and emitting rock dust, grime and dirt into Claimants'

dwelling and premises, all with great noise and vibration - caused by said rock drillings and blasting charges, detrimental to the health, happiness and nervous systems of Claimants and their household, and in particular said City through its said Agent and Contractor while on Claimants' property on February 8th, 1962, started drilling about mid-afternoon and drilled to about 10 o'clock P. M., and on February 9th, 1962, started drilling with h in rock about 7 A. M. and continued until about 10:00 P. M. and again on February 10th, 1962 started rock drill with their heavy power-driven drills, about 7 o'clock A. M. until about mid-morning; and that on February 13th, 1962 negligently set off overly loaded and out of time, blasting charges, with high explosives on Claimants' prop erty, blowing out Claimants' underground utility services, water, telephone, and electricity, and a Utility Pole and breaking same on Claimants' lawn, and emitting tons of rock and dirt and other debris and Utility connection on Claimants' property and inundating Claimants' yard and premises and destroying the lawn and the remaining shrubs, flowers, grape vines, trees, both fruit and ornamental, which had not heretofore - during said period of operation - been removed and/or run over and destroyed with said C. F. W.'s heavy equipment and machinery, all in order for it to install the City of Asheville's 36-inch water main on Claimants' property, and during said period of time destroyed Claimants' fence, blew out a 6-inch water line, in front of Claimants' residence, the water from same running continuously for approximately 3 hours uninterrupted and flowing towards Claimants' house and around same, and flowing under their dwelling through openings, cracks and crevices which had been opened up by said blasting operations, and causing water to flow under and stay under said residence, causing moisture damage to Claimants' home, its household and kitchen furniture and contents and that said blasting damage further caused a weakening of the residence structure and its supports, foundtaions and roof, cracking ceilings and walls and con crete walks, and damaging the electrical system in the residence, and blowing and knocking out the fuses and swi box and burning and blackening same and damaging Claimants' electrical appliances, and in cracking certain of the glass in windows and in requiring Claimants to obtain the service of Electricians in order to restore electrical services. That because of the taking of Claimants' property for the purpose of the City installing its said water line, by and through its agent and contractor, C. F. W. Construction Co., Inc., during the period of time specified in Paragraph 1 caused Claimants to suffer the following other damage and injury:

(a) Disruption of all public utilities, water, electricity, and telephone - Claimants' wa ter being cut-off more than ten times during said period of time, and unable to take care of necessary household duties, by reason of said disruption, and in destroying two of the iron stake corners installed to identify Claimants' property.

(b) Closing Claimants' drive by heavy machinery, ditches and mounds of dirt, rock and de bris, Claimants having to park their Automobile some considerable distance from their residence and carry in gro ceries and necessities over said mucky encumberment for a period of three weeks.

(c) Causing Claimants premises to be covered with mud, water, mire and heavy machinery wor ing on Claimants' premises all without Claimants being furnished with ways and means to protect the interior of their residence and furnishings from mud and mire entering into their residence and being brought into same, caus ed by said operations.

(d) The permanent taking by the City of Asheville of 148.2 feet of Claimants' said real es tate, across the front portion thereof, for the purpose of its said 36-inch high pressure water main from its Mo Fork Dam to Distributing Points in the City of Asheville, and

(e) In installing as a permanent fixture a large conspicuous "Blow-Off valve for its said high pressure main, on Claimants' real estate, which "Blow-Off" valve, so installed, is suitable for 400 psig. working water pressure, being of the air release type, which can reasonably be expected to blow-off at intervals as same was installed for that purpose with result that Claimants' real estate will be further damaged and des troyed and that the installation of said 36-inch high pressure water line and installation of said conspicuous "Blow-Off" valve connection seriously diminishing the market value of Claimants' real estate.

4. Amount of damages claimed: That as a result of the negligence and taking on the part of the City of Asheville and doing damage to the persons of Claimants their personal and real property they have been damaged injured in the sum of Ten Thousand ($10,000) Dollars, as nearly as can be ascertained and for which these Claimants make claim for restitution against the City of Asheville.

Respectfully submitted this 15th day of March, 1962.

S/ Paul J. Smith
Attorney for Claimants.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

SAM H. JORDAN, being first duly sworn, deposes and says:

That he is one of the Claimants herein and makes this verification in behalf of himself and his wife, Mil dred Jordan, that he has read the foregoing Notice of Claim and knows the contents thereof, that the same is t of his own knowledge, except as those matters therein set forth upon information and belief, but as to those mat ters he believes it to be true.

S/ Sam H. Jordan

Sworn to and subscribed before me this 15th day of March, 1962.

My commission expires:
Jan. 14, 1964
(Seal)

S/ Emily S. White
Notary Public

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CL

Thursday, March 22, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 22, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, W. F. Algary, T. B. Sumner, J. McRary, Ralph D. Morris, Sr., and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from C. A. Byers requesting that 118 State Street be rezoned neighborhood trading or business zone.

This request was referred to the Planning and Zoning Commission for study and recommenda tion.

Jimmy Taylor, a third grade student at Claxton School, presented the city a dollar donation toward the purchase of a pair of zebras for the Zoo, and said he thought one of the zebras should be named "Zeke".

Mr. Robert M. Felkel appeared before the Council with a request for permission to add three fuel storage tanks to the present three tanks on property of Felkel Fuel Service on New Leicester Highway. Mr. Felkel advised that present storage capacity is not sufficient to meet customer demands, and that the business was established before the area was annexed and zoning restrictions set up.

Mr. Felkel's request for a zoning change from roadside business to commercial or industrial was not granted by the Planning and Zoning Commission.

Following a discussion, this request was referred to the City Manager to see if a solution can be worked out by installation of underground tanks or other means not requiring a zoning change, motion being made by Councilman Sumner, seconded by Councilman McRary, and unanimously adopted.

Complying with a petition previously presented to annex certain property located in Hazel Ward, Buncombe County, being shown on a Plat of Richmond Hill Park, Section 4, Councilman McRary introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Pilot Construction Company, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 161.

The City Manager pointed out that the City has owned since 1927 approximately 180 acres of land adjoining the property proposed to be annexed, and requested permission to explore the possibility of developing this land for a second city golf course to supplement Municipal Golf Course as a public recreation facility. The City Manager further advised that the Municipal Golf Course is now over-crowded and the heavy play points up the need for additional public golfing facilities for visitors and residents, and that the real estate development on the adjoining property provides an opportunity for part of this acreage to be developed also with the hope that this development would be sufficient to finance the additional golf course.

The City Manager stated that he would like authority to employ professional consultants to report on the feasibility of this project.

Councilman Sumner suggested that the Council go out and look over this property before any decision is made, and further that since a golf course would enhance the value of the property of Pilot Construction Company this company might be willing to share costs of construction of the course, and the City Manager advised that all possibilities would be explored.

Following the discussion, Councilman Algary moved that the City Manager be directed to go ahead and explore the feasibility of this project, employing whatever professional help is necessary, report to be brought back to the Council, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The Council directed that a letter be written to the family of L. Lyons Lee, former mayor of Asheville, expressing regret for the death of Mr. Lee on March 20th, and praising his services to the community.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 29, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 29, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, J. W. McRary, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Library Board presented an estimated budget of $1,045.00 per month for evening opening of the central library, providing full library service twelve hours per day Monday through Friday and nine hours on Saturday, and recommended the adoption of this budget.

The City Manager pointed out that this puts the library in line with other libraries in the state and immediate area.

Councilman Sumner moved that the evening opening be authorized from May 1st until the new budget is made up, provided the county will stand half of the cost, which motion was seconded by Councilman Mulvaney.

Councilman Algary stated he did not think the request for an increased county share should be limited to the evening operation alone, but that the cost of the whole library operation should be considered.

The City Manager stated that the problem of library financing is a serious matter and that he felt the county should pay fifty per cent of the total costs, adding that the county has named three members to

the Library Board for the past several years.

Councilman McRary stated that even with a fifty per cent county contribution county residents would only be paying one-quarter since half of county tax funds come from levies on city property.

The City Manager suggested that the evening hours be put into effect May 1st, and that negotiations with the County looking toward the County paying a larger share of the entire library operation be authorized.

Following the discussion Councilman Sumner amended his original motion and moved that arrangements be begun for evening hours at Pack Library effective May 1st, and that the City Manager begin negotiations with the County for a fair share of the total library budget, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager reported that he had had a conference with a representative of Pilot Construction Company concerning the proposed new golf course, and that the company is enthusiastic about this proposal, and that he does not think the city will have to pay the cost of working up plans for this facility. A full plan will be presented to the Council as soon as all facts are developed.

Councilman Morris urged spring clean-up efforts by all citizens to get ready for the summer tourist season, and emphasized a courtesy campaign for visitors by city employees and citizens.

The City Manager advised that the city is very liberal in the matter of trash collection and will pick up brush or any form of trash put out, and asked the cooperation of all property owners in an effort to make the city more attractive.

The City Manager reported that no further progress has been made toward securing necessary rights-of-way for the widening of Merrimon Avenue.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 5, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 5, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. Mulvaney, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the Byers property on State Street remain as it is now zoned.

April 5, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held Wednesday, April 4th, 1962, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that the Byers property on State Street remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

This was received as information by the Council.

The City Manager announced that today is the day set for the public hearing on the annexing of certain property shown on a Plat of Richmond Hill Park - Section 4.

There being no objection to said annexation, Councilman Mulvaney introduced Ordinance No. 455, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager reported that he had conferred with Mr. Coke Candler, Chairman of the Board of County Commissioners, concerning the county absorbing half of the cost of the library operation, and that, while Mr. Candler was sympathetic toward the need for increased library service, the county could only increase its contribution about $6,500 during the new fiscal year.

The City Manager advised that there is no particular pattern in the State of North Carolina for contributions by counties to public libraries, but that he felt this matter could be worked out over a period of time, and that the Library Board has been notified to make arrangements to begin evening hours on May 1st.

Councilman Sumner suggested that a survey be made by the Institute of Government of overlapping services in the city and county governments, and the City Manager advised that there are very few, if any, overlapping services at this time.

Councilman Sumner further stated that there was no agreement on the part of the City concerning the health department or the library; and Councilman Algary stated there should be a clearer understanding concerning distribution of ad valorem taxes, the city being a part of the county and paying a large share of county taxes.

The City Manager advised that the redevelopment plan has been approved by the Federal Housing Authority with certain suggestions and recommendations, which recommendations are to be reviewed by the Redevelopment Commission next week, and presented to the Council.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, April 12, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 12, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, Ralph D. Morris, Sr., F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Westwood Baptist Church requesting the rezoning of Lots Nos. 45, 46, 99, 47½, Sheet 2, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 455, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Mr. L. B. Sutton, Executive Vice President of the Industrial Council of the Asheville Chamber of Commerce, gave a report on the accomplishments of the Council since 1947.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, April 19, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 19, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Ralph D. Morris, Sr., F. M. Mulvaney, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Hammond G. Strom containing a proposal to enter into a lease agreement for Lots 1 and 2 as described in the report by Davis & Davis Realty Company, Inc. and further described as service station and motel site, for a 35 year period at an annual rate to the city of $4,500.00, payable $375.00 per month, the first month's rental to be due and payable January 1, 1963, the agreement to be entered into on or before July 1, 1962.

This proposal was discussed by the Council, and it was pointed out that professional appraisers

have set a value of $108,700 on the two tracts, and that Strom's offer on the basis of six per cent return is $2[illegible] under the appraised value.

Following the discussion, Councilman Sumner moved that the City Manager be instructed to enter into further negotiations with Mr. Strom on the basis of the full appraised value, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 455, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 455

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 5th day of April, 1962 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Section 169-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

Located in Hazel Ward, Buncombe County, North Carolina, and being all of lots together with the street areas adjacent thereto as shown on a Plat of Richmond Hill Park - Section 4, dated January 1962 prepared by Hollowell and Associates, Inc., Engineers and surveyors, Greensboro, North Carolina, which said plat is recorded in the Office of the Register of Deeds for Buncombe County, N. C., in Plat Book 32, at page 58, excepting Lot No. 1 as shown on said plat and a small portion of Lot no. 2 which exception is presently within the city limits of the City of Asheville, and more particularly described as follows:

BEGINNING at a stake in the West margin of Richmond Hill Drive at the Northeast corner of Lot No. 10 as shown on a Plat recorded in said Register's Office in Plat Book 29, at page 52 (said Lot No. 10 being also Lot No. 45 as shown on a plat recorded in said Register's Office in Plat Book 28, at page 92), said beginning point being also the extreme northeast corner of the first tract described in a deed from James Thomas Pearson and Marjorie Noe Pearson dated May 24, 1955 and recorded in said Register's Office in Deed Book 759, at page 109, said beginning point being also the beginning points in that property described in ordinance no. 387, being an ordinance extending the corporate limits of the City of Asheville by annexing certain property passed by the Council of the City of Asheville at its regular meeting held on May 24, 1956, and runs thence South 75 deg. 0' West 150 feet to a stake; running thence along the west line of Lot No. 2 of said plat North 12 deg. 59' West 92 feet to a stake; thence crossing a 50 foot street and running along the Westerly lines of Lots Nos. 3 through 17 the following courses and distances: North 02 deg. 05' East 169.07 feet, the common west corner of Lots 3 and 4 of said plat; thence North 17 deg. 26' East 413 feet to a stake, common west corner of Lots 8 and 9 of said plat; thence North 05 deg. 43' East 198.76 feet to a stake, the common west corner of Lots 11 and 12 of said Plat; thence North 3 deg. 33' West 92.78 feet to a stake; thence North 63 deg. 01' West 245.21 feet to a stake; thence North 25 deg. 04' West 104.24 feet to a stake; the westernmost corner of Lot No. 17 of said plat; thence along the South line of Lots 18 through 22 of said plat the following two courses and distances: North 86 deg. 53' West 271.92 feet to a stake and North 68 deg. 47' West 167.68 feet to a stake, the westernmost corner of Lot 22 of said plat; thence along the west line of said Lot No. 22 North 23 deg. 52' East 186.30 feet to a stake; thence crossing Richmond Hill Drive North 25 deg. 10' West 66.24 feet to a stake in the westernmost corner of Lot 23 of said plat; thence along the west and northwest lines of Lots 23 through 30 of said plat the following courses and distances: North 12 deg. 21' East 237 feet to a stake; North 26 deg. 51' East 185 feet to a stake; North 43 deg. 47' East 100.51 feet to a stake; North 45 deg. 29' East 100 feet to a stake; and North 68 deg. 51' East 120 feet to a stake at the northeast corner of Lot No. 30 of said plat; thence along the east line of said Lot No. 30 and beyond crossing another street South 21 deg. 09' East 200 feet to a stake at the northeast corner of Lot 31 of said plat; thence along the east line of Lot No. 31 South 24 deg. 49' East 149.24 feet to a stake in the northwest line of Lot 42 of said plat; thence continuing along the north and east lines of Lots 42 through 59 of said Plat the following courses and distances: North 42 deg. 04' East 52.09 feet; North 76 deg. 37' East 140 feet; South 61 deg. 53' East 130 feet; South 18 deg. 50' East 144.27 feet; South 24 deg. 01' West 135.39 feet; South 46 deg. 44' West 73 feet; South 24 deg. 07' West 133.64 feet to a stake in the northeast line of Lot No. 52 of said plat; thence South 63 deg. 26' East 150.04 feet more or less to a stake at the Northeast corner of Lot no. 52 of said plat; thence crossing another street South 34 deg. 09' East 61.81 feet to a stake at the northmost corner of Lot 53; thence continuing along the East line of Lots 53 through 59 South 65 deg. 04' East 124 feet to a stake; South 23 deg. 53' East 198 feet to a stake; thence South 0 deg. 22' West 414.04 feet to a stake at the Southeast corner of Lot 59 of said plat; thence along the southern line of said Lot 59 two courses and distances as follows: South 89 deg. 58' West 94 feet to a stake and North 89 deg. 19' West 107.7 feet to a stake the Southwest corner of said Lot No. 59 and in the east line of Richmond Hill Drive; thence along the east line of said Richmond Hill Drive South 17 deg. 26' West 244.44 feet to a stake; thence continuing along the East margin of said Richmond Hill Drive in a southerly direction as said margin of said Drive curves easterly on a radius of 443.6 feet, an arc distance of 235.48 feet to a stake; thence continuing with said East margin of Richmond Hill Drive South 12 deg. 59' East 12 feet more or less to a point in the line of the present City limits of the City

Asheville and at a point which is located North 75 deg. 0' East 50 feet from the northeast corner of Lot No. as shown on a plat recorded in said Register's office in Plat Book 29, at page 52; thence South 75 deg. 0' East 50 feet to the point of BEGINNING.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days from date of passage.

I move the adoption of the foregoing ordinance, this 5 day of April, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 19 day of April, 1962, to become effective 4 day of May, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Mr. Alfred Miller, Chairman of the Redevelopment Commission of the City of Asheville, presented a resolution of the Redevelopment Commission requesting permission of the City Council of Asheville to proceed with obtaining local approvals of Civic Redevelopment Project Plan N.C. R-13. Mr. Miller explained that this project has been reviewed by the Housing and Home Finance Agency, and that certain recommendations have been made by this agency, the principal points being:

(1) Evidence of availibility of local funds; (2) service station at the corner of College and Spruce Streets be acquired; and (3) reconsideration of earlier Council objection to inclusion of office buildings in the project area.

Mr. Miller stated that members of the Redevelopment Commission would be glad to discuss this matter with the Council at the convenience of the Council, emphasizing that the Housing and Home Finance Agency has set July 26th as a dead-line for securing local project approval, and explained that it is necessary to hold two public hearings, first by the Redevelopment Commission and then by the City Council.

Motion was then made by Councilman McRary that the Council give authority to the Redevelopment Commission to hold a public hearing, which motion was seconded by Councilman Morris.

The City Manager asked if the procedure would be for the findings of the Redevelopment Commission to be reported back to the Council.

Mr. Anthony Redmond, attorney for the Redevelopment Commission, advised that the procedure calls for a resolution by the Council on the disputed points before the Redevelopment Commission hearing and the final public hearing by the Council can be held. Following this statement, no action was taken by the Council on the above motion.

The City Manager reminded the Council that, on the availability of local funds, that he had been asked earlier to prepare an estimate of a "package" bond issue to include local project costs and other capital improvements, and advised that he estimated the issue would include $1,000,000 for the redevelopment project, $1,000,000 for the city's share of highway costs for connector highways for the Interstate System, and some $300,000 for fire station-community centers in the Oakley and Beverly Hills sections, which would call for an estimated tax rate increase of some twelve cents over the city's present property tax rate.

Councilman Sumner stated that he was going to vote against including any office buildings in the project area and buying the service station.

Following the discussion, Councilman Morris moved that the Council tentatively approve the suggestions made, subject to final approval, which motion was seconded by Councilman McRary, but after a further discussion the motion was withdrawn by Councilman Morris; and the Council decided to consider this matter at its next meeting, to be preceded by a conference with members of the Redevelopment Commission.

Miss Fannie McCoy presented a statement of her opposition to the urban redevelopment project.

Dr. Wayne Montgomery presented to the Council a request for an increase in recreational facilities, particularly baseball playing fields.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 26, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 26, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., J. W. McRary, T. B. Sumner, W. F. Algary, [illegible] Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Morgan introduced a resolution approving the resolution of the Redevelopment Commission of the City of Asheville dated April 18, 1962, requesting permission to proceed with obtaining local approvals of Civic Redevelopment Project Plan N. C. R-13, and this resolution was read in full by the Corporation Counsel.

Councilman Sumner stated that if the resolution passed the Council would be reversing itself on the Gulf Oil property and office space stipulations, and he did not think it fair to take tax money from other parts of town and put competing commercial developments in the project, and further he did not think the bond issue would carry with these items included.

Councilman McRary stated if the resolution merely gave authority for the public hearings, he would be in favor of it.

Councilman Morris stated he wanted to hear the public's views at the two public hearings.

The City Manager explained the proceedings which had taken place heretofore, and the procedure necessary to bring this project to completion, and stressed the fact that the final decision will be made by the voters of the city in a bond election.

Mr. Manly Wright, President of the Chamber's Tourist and Promotion Council, and Mr. Jack Canfield, President of the Chamber of Commerce, spoke in favor of the project.

Miss Fannie McCoy again expressed opposition; and Mr. Frank Coxe stated he favored urban renewal in general but felt the consent of the project had been changed and it would now help finance competitive business with existing enterprises.

Councilman Sumner moved that the wording of the resolution be changed to state that the Council is turning the matter back to the Redevelopment Commission for a public hearing with the understanding that the Council at this time does not approve the erection of an office building in this area or the purchase of the Gulf Oil lot, which motion failed for lack of a second.

Following the discussion, a vote was taken on the resolution with Councilmen Algary, Morris, Morgan and Mayor Eller voting in favor of same, and Councilmen McRary and Sumner voting against said resolution.

Complete copy of resolution will be found in Resolution Book #4, at page 163.

Councilman Algary then discussed the proposed bond issue, and moved that when said bond issue is presented that the Urban Renewal Project bonds be made a separate item on the ballot from the other bond issues submitted, which motion was seconded by Councilman Morris, and unanimously adopted.

Councilman Algary introduced Ordinance No. 456, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1962 AND ENDING MAY 31, 1963", which was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Morris voted "aye"	Mayor Eller voted "aye"

Councilman Morris introduced a resolution authorizing Mayor to execute lease of #10 South Pack Square for public library purposes, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 164.
Complete copy of lease will be found attached to Original Resolution.

Mr. Herschel Harkins, president of the Central Carolinas Region of the National Sports Car Club of America, advised the Council of sports car races to be held at the old Asheville-Hendersonville Airport property May 11th, 12th and 13th, and again in August. Mr. Harkins presented a Certificate of Insurance against public liability, and stated under agreement with the city 10% of receipts from spectators on the city portion of the old airport will be paid to the city, the remainder of the property being owned by Henderson Co. and Hendersonville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 3, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 3, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. Mulvaney, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from certain property owners requesting the rezoning of Lots 9, 10, 11, 13 and 14, Ward 8, Sheet 20 from Residential District to Industrial District, and this request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending that Lots 45, 98, 99, 46, 47½, and 97, Sheet 2, Ward 3, remain as they are now zoned, which was accepted as information by the Council.

May 3, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, May 2, 1962, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 45, 98, 99, 46, 47½, and 97, of Sheet 2, Ward 6, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
BN AS - N 15.25

A communication was received from the Planning and Zoning Commission recommending the approval of Plat of Property of Harold K. Bowling.

May 3, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Property of Harold K. Bowling" prepared by Paul R. Hagan, Surveyor, for Harold K. Bowling shows the subdivision of real estate within the Oakley area. This subdivision will extend the existing Harmony Lane some 250 feet.

The Plat has been reviewed by this Commission at its regular meeting on May 3, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
BN AS - N 15.30

A communication was received from the Planning and Zoning Commission recommending the approval of Plat entitled Section 2, Worthwoods Park.

May 3, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled, "Section 2, Worthwoods Park", prepared by S. W. Huddleston, Surveyor, for U. S. Builders, Inc., shows the subdivision of real estate in the Beverly Hills area. The proposed street is off of Overlook Road, which runs from U. S. 70 south to Governors View Road.

The Plat has been reviewed by this Commission at its regular meeting on April 4th, 1962. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:nr
BN AS - N 15.30

Councilman Morris moved that the above plats be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 456, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LI... CENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1962 AND ENDING MAY 31... 1963", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised the Council of the resignation of Carl B. Hyatt, Jr. as Director of Public Safety to become Executive Director of the United Fund.

The City Manager also stated that a master thoroughfare plan for the city has been prepared with the assistance of the State Highway Commission and a private consulting firm, and as funds become available this plan will be put into effect, and that the city has a traffic engineer, Paul Dutcher, who has taken special training in this field.

Councilman Algary suggested that a letter of appreciation be written Mr. Hyatt to be signed by all members of the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 10, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 10, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, Sr., W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 456, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LI... CENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1962 AND ENDING MAY 3... 1963", was, upon motion of Councilman Algary, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 456

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVI... FOR THE FISCAL YEAR BEGINNING JUNE 1, 1962 AND ENDING MAY 31, 1963

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereina... specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occu... tions, or doing the act named, or selling or offering for sale any of the articles enumerated herein, within ... corporate limits of the City of Asheville, from the first day of June, 1962, to the thirty-first day of May, ... unless for some other time or period herein specified, and all such taxes shall be due and payable in advance ... the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordi... by September 1, 1962, 2% per month of the amount of such license shall be added to the tax required, and no l... shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The a... tion of the two (2%) per centum per month on the amount of said license tax shall not exempt the delinquent f... penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall n... lieve the party paying same from liability for any other tax specifically imposed for any other business cond... by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupati... or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, ... for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon ... payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be ... conspicuously in the place of business licensed, and if the licensee has no regular place of business, the li... must be kept where it may be inspected at all times by the proper city officials. No license shall be trans... or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, ...

...cation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the ...ector of Finance for a license, stating the place at which it is proposed to conduct the business, the name of ...e owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be ...rporation, the names of the officers, including the manager. And the Director of Finance shall also have the ...ght to require the owner, proprietor, manager, or other person interested in or connected with such business, to ...ve evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any ...er facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a ...el or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or ...ageries.
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless ...City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, ...fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a ...table place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or ...les of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be ...t clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall ...cute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful obser... by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinaf... enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the ...ligence of such licensee or agents, servants, or employees hereof, and otherwise as the City Manager may determine.

1. Pawnbrokers -$1,000.00
2. Junk Dealers - $1,000.00
3. Electrical Contractors - - - - - - - - - - - - - - - - - - - $1,000.00
4. Electric Sign Contractors and Hangers - - - - - - - - - - - 500.00
5. Plumbing Contractors - $1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00 - - - - - - 100.00
   Doing such work costing over $300.00 - - - - - - - - - - - - $1,000.00
7. House movers - 500.00

Section 5.

That whenever the word "person" is used in this ordinance, the same shall be construed to in... ...de "firms", "companies", "corporations", and "associations".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or ...er facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Fi... ...es a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may ... and such other and further proof as the Director of Finance may require, shall be rendered said Director of Fi... ...ce; and in either case, the Director of Finance shall not be required to receipt for the money or issue any licenses ...ll satisfactory proofs are furnished. In case the business for which the license is required is commenced after ...e 1, 1962, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the li... ...se shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax ...be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and ... license based thereon. Provided, however, that the Director of Finance shall have the right at any time during ...e period covered by any license to require of such licensee additional sworn statements as to the sales and receipts ...ther determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after Jan. 1, 1963 the licensee shall pay for such business and the ...llege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for ...n than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the ...nse Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council ...change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, ...des, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked ...ess such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared un... ...stitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for ...ch a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business conducted after a revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1962-1963, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegally operated the City Manager has the authority to revoke the license.

Section 15.

That LICENSE SCHEDULE, Section 15, of Ordinance No. 398 entitled "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1957 AND ENDING MAY 31, 1958", as recorded in City of Asheville Docket 33 of the Minutes of the Proceedings of the Council at pages 458 through 511 and a portion of 512, and as same as recorded in City of Asheville Docket No. 4, Ordinances of the City Council, at pages 90 through 143 and a portion of page 144, be and the same is hereby adopted and re-enacted and incorporated herein and made a part hereof as fully as if set out at length herein, together with all amendments thereto.

Section 16.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule shall, upon conviction, be liable for a penalty of fifty ($50.00) dollars.

Section 17.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore made, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective June 1, 1962.

I move the adoption of the foregoing ordinance, this the 26 day of April, 1962.

W. F. Algary
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted by the Council on first reading, 26 day of April, 1962, with all members of the Council present voting "aye"; read, approved and adopted by the Council on second reading, 3 day May, 1962, withall members of the Council present voting "aye"; and upon its third reading approved and adopted the 10 day of May, 1962, with all members of the Council present voting "aye". This ordinance shall become effective 1 day of June, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager called to the attention of the Council a resolution which had been adopted by the Council on October 12, 1961 approving in principal the Master Highway Transportation Plan for the Asheville Metropolitan Area prepared by Wilbur Smith and Associates, which resolution contained two exceptions. The City Manager advised that after correspondence between the Director of Highways and the City and the Planning Director the Highway Commission feels that it would be desirable to mutually adopt the generalized plan without exception (a) as contained in this resolution, and that this would provide the City of Asheville and the Highway Commission with a general policy guide on the development of an urban street and highway system.

Following a discussion Councilman Sumner introduced a resolution amending resolution of Council passed October 12, 1961 relating to the adoption of the Master Highway Transportation Plan for the Asheville Metropolitan Area prepared by Wilbur Smith and Associates, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 166.

The City Manager presented the statement showing the budget position of the city for the period ending April 30, 1962.

Mrs. W. M. Morgan appeared before the Council and asked if present zoning laws give any control over the value or style of structures erected on a given property, and, if not, could the zoning ordinance be amended to give this control, especially pertaining to prefabricated houses.

The City Manager advised that the zoning ordinance regulates the size of lots and location of structures in a specific zoning area, but does not control value or style of structures built on the lots; that the prohibition of prefabricated houses in one or more residential zoning classifications would require an amendment to the building ordinance; and that any recommendation for such a zoning amendment should come from the Planning and Zoning Commission. The City Manager further advised that nothing in the zoning ordinance prohibits the construction of prefabricated houses if they meet requirements of the building code.

Mrs. Morgan also referred to an apartment house being constructed in the area, and was advised that multiple dwellings are now permitted in the RA-8 Residential District. Mrs. Morgan was accompanied by Mrs. John M. Reynolds and Mrs. R. H. Brown, all residents of Howland Road.

This matter was discussed by the Council, and the Council referred to the Planning and Zoning Commission for study and recommendation the following questions:

(1) Are prefabricated houses permissive in residential areas.
or Zoning Ordinance

(2) Should the Building Code/be amended to prohibit the construction of prefabricated houses in such areas.

(3) Should multiple dwellings be allowed in RA-8 Residential Districts.

The Commission was also requested to notify Mrs. Morgan, Mrs. Reynolds, and Mrs. Brown of their hearing on this matter.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, May 17, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

Margaret Simmons
CITY CLERK

Thursday, May 24, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 24, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, John D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of Plat of Property of E. J. Tyler.

May 24, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled "Property of E. J. Tyler" prepared by Carter and Bearden, Engineers, and dated May 14, 1962 shows the subdivision of real estate on Kenilworth Road.

The above described plat has been reviewed by this Commission at a regular meeting held on December 6, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

JRH:llh
Encl. - N 15.30

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from Herbert C. Allen offering to purchase Lots 3 and 169, Biltmore Ward, Sheet for $500.00.

The City Manager explained that these lots were purchased by the city during the widening of Hendersonville Road, and half their depth was used in the widening.

Following a discussion, the Corporation Counsel was requested to prepare a resolution authorizing the advertisement of these lots for sale to be considered by the Council.

A letter was received from Rex Smathers, Sr. requesting the rezoning of 36 Mace Avenue, being designated as Lot No. 107, Sheet 14, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager reported that the city is now testing the new transmission line from North Fork Reservoir, which testing wastes about one million gallons per day, and as a result storage reservoirs are low, and there have been some water shortages in sections of South Buncombe. This testing is expected to be completed by Monday, and the line will be put into full operation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 31, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 31, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

In connection with the offer previously received to purchase certain lots on Hendersonville Road, Councilman Mulvaney introduced a resolution authorizing City Manager to advertise certain property belonging to the City of Asheville to be sold at public auction, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 167.

The City Manager advised that petitions have been received for the paving of certain streets and the construction of a sidewalk, and that in cooperation with the Buncombe County Bar Association the city desires to set up a procedure in connection with the assessments for this type of improvement.

The Corporation Counsel explained the procedure necessary to establish a lien on all abutting properties in accordance with the Consolidated Statutes and the City Charter.

Following a discussion, Councilman Morgan introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving of Rash Road, Deaver Park Circle, and locating a foot sidewalk on the east side of North Louisiana Avenue from Patton Avenue to Hazel Mill Road, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 168.

The City Manager advised that National Advertising Company had made application for a permit to construct a billboard within 200 feet of the Crosstown Expressway at the Broadway intersection.

The matter was discussed by the Council, and action was deferred until next week in order to give the Council an opportunity to examine the proposed site.

Miss Fannie McCoy requested information on what authority the city proposes to hold a bond election to finance the city's share of the proposed urban redevelopment project north of City-County Plaza.

The City Manager advised that the city holds such authority under its charter and also that the state has enacted permissive legislation permitting municipalities to carry out redevelopment projects.

Councilman Sumner stated that he has received many complaints recently of trouble caused by dogs and suggested it was time to reconsider adoption of a stricter dog law, if dog owners do not comply with the existing ordinance.

The City Manager advised that the dog wardens are impounding a very large number of dogs.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 7, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 7, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Ralph D. Morris, Sr., W. F. Algary, T. B. Sumner, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the area annexed by City Ordinance #455, dated April 19, 1962 and effective May 4, 1962, which annexation is recorded in the Buncombe County Register of Deeds Office in Plat Book 32, page 58, be zoned RA-8 Residential District.

The Council decided to consider this amendment at a time to coincide with other hearings on similar rezoning petitions, the City Clerk to set a date for said public hearing.

A communication was received from the Planning and Zoning Commission recommending that Lot 107, Sheet 14, Ward 6 remain as it is now zoned.

June 6, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that Lot 107, Sheet 14, Ward 6 remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
RM AS - N 15.25

A communication was received from the Planning and Zoning Commission concerning prefabricated houses and multiple dwellings in RA-8 Residential Districts.

June 7, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held on June 6th, 1962, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission submit the following answers to the questions set forth in City Council's letter of May 11, 1962.

1. Yes, prefabricated houses are permissive in residential areas if they meet housing codes of City of Asheville.
2. No, the Building Code and Zoning Ordinance should not be amended to prohibit construction of prefabricated houses.
3. Yes, multiple dwellings should be allowed in RA-8 Residential Districts, as now allowed by the Zoning Ordinance.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
RM AS - N 15.25

These recommendations were received as information by the Council.

A petition signed by a number of residents in the Macon Avenue-Howland Road area requesting the rezoning of this area from RA-8 Residential District to RA-10 Residential District was received.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Mrs. W. M. Morgan again appeared before the Council in opposition to prefabricated houses, and was advised by the City Manager that the City has no authority to control value or style of structures provided they meet requirements of building codes.

In regard to the application for permit by the National Advertising Company of Charlotte to construct a billboard within 200 feet of the Crosstown Expressway at the Broadway intersection, upon motion of Councilman Sumner, seconded by Councilman Morris, this application was unanimously denied.

Councilman Morris introduced a resolution appointing members to Board of Adjustment under Ordinance #422, which was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, at page 169.

The City Manager called the attention of the Council to the fact that Paul F. Pittillo had recently died leaving a vacancy in the office of Deputy Clerk of the City of Asheville for the Police Court of the City of Asheville, and in order to carry on the duties of the office Mrs. Leona Cole had been sworn in during the interim, this being a Council appointment.

The City Manager recommended Mr. Paul S. Jones to fill this vacancy, giving a brief outline of Mr. Jones' qualifications.

Whereupon Councilman Mulvaney moved that Mr. Paul S. Jones be appointed Deputy Clerk of the City of Asheville for the Police Court of the City of Asheville, which motion was seconded by Councilman Morris and unanimously adopted.

In regard to the proposed widening of Merrimon Avenue the City Manager advised that the voluntary approach has been unsuccessful, despite the cooperation of North Asheville civic groups, the surrender of property rights being secured on only one substantial section, the west side of Merrimon between Chestnut and Eloise, and that it seems impossible to get the right-of-way by voluntary action.

The City Manager suggested that condemnation proceedings be carried out under provisions of the city charter, which procedure calls for delegating authority to a six man jury which would make estimates of both damages caused to property by the widening, and increased value brought to the property by the widening project, all proceedings being subject to approval by the Council.

The matter was discussed by the Council, and Councilman Sumner moved that the City Manager be instructed to proceed immediately to take the necessary steps to start the condemnation process, including preparation of a resolution by the Corporation Counsel, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Sumner again discussed the dog control ordinance, stating that the present ordinance has been a failure in controlling nuisances committed by free-running dogs, and moved that the Corporation Counsel be requested to draw up an amendment to the ordinance restricting dogs to the property of their owners and authorizing the wardens to impound any dogs caught running at large, whether licensed or not, which motion was seconded by Councilman McRary and unanimously adopted.

Miss Maria Cecilia Sa Earp, daughter of the mayor of Petropolis, Brazil, was introduced to the Council by Mrs. J. E. Davis, president of the Asheville chapter of the League of Women Voters. Miss Sa Earp is visiting here as representative of Petropolis, "sister city" to Asheville in the international City-to-City program.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 14, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 14, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, Ralph D. Morris, Sr., F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by the owners of all lots except three abutting on Rose Street between its intersection with Hansell Street to the west and McElroy Avenue to the east was presented requesting that Rose Street be closed between the southeastern corner of Lot 309, Sheet 4, Hazel Ward, and the northeast corner of Lot 322, Sheet 4, Hazel Ward to McElroy Avenue.

The Council referred this petition to the City Manager for investigation and report.

The City Manager explained that in the widening and re-alignment of Victoria Road it was necessary to secure rights-of-way over certain property belonging to The Order of Christian Education, Inc. and Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh, and that in exchange for these rights-of-way the City of Asheville agreed to quit-claim certain property which has little or no value to the city.

Following a discussion Councilman Morgan introduced a resolution authorizing Mayor and City Clerk to execute a quit-claim deed to The Order of Christian Education, Inc. in exchange for right-of-way required for the re-location of Victoria Road, which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 170.
Copy of deed will be found attached to original resolution.

Councilman Sumner introduced a resolution authorizing Mayor and City Clerk to execute a quit-claim deed to Vincent S. Waters, Bishop of the Roman Catholic Diocese of Raleigh, North Carolina in exchange for right-of-way required for the re-location of Victoria Road, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 171.
Complete copy of deed will be found attached to original resolution.

The City Manager advised that certain petitions have been received for the paving of certain streets, and in order to establish a lien on all abutting properties it is necessary to pass a resolution authorizing these improvements.

Councilman Algary introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Vance Crescent Extension, Baker Drive, Shadowlawn Drive, Greenbriar Road, Lance Drive (street between Woodgate Road and Salola Street), Sheppard Drive (from Baker Drive to Mont Terrace), Sumner Place (from end of present pavement to Grovemont Road), and a public alley (between Edgemont and Macon Avenue), which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 172

The City Manager advised that in accordance with instructions from the Council the Corporation Counsel had prepared an ordinance relating to dogs, and the Corporation Counsel read the ordinance in full.

Councilman Sumner suggested that proof that a dog had been inoculated for rabies be required, as well as that the license and privilege tax had been paid, and was advised that this is a state law, and that this requirement would be handled as an administrative matter.

Councilman Sumner introduced Ordinance No. 457, being "AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF.", which was seconded by Councilman Morris.

The ordinance was discussed by the Council, Councilmen Sumner, Algary and Morris expressing the opinion that the present ordinance is not sufficient, and that the proposed ordinance puts the owners of dogs in a more responsible position. Councilman Mulvaney stated he was of the opinion that the present ordinance was adequate if enforced, and Councilman Morgan stated he realized injustices existed but he was not sure the proposed ordinance would correct these conditions.

Citizens speaking in opposition to the proposed ordinance, and stating they felt the present ordinance was adequate, were Miss Fannie McCoy; Mrs. Raymond Shurling, who stated she had a petition signed by over 2,000 citizens; Mrs. Elizabeth Moore; Mr. Roy Smith; Mr. Jim DeWeese, speaking for the Asheville Kennel Club, who also recommended that complaints be signed by individuals making the complaint; Mr. and Mrs. W. W. Morrison; Mrs. Bertha B. Hester, who also stated she would like to make a follow-up of dog bite incidents; Mrs. Robin Phillips.

Speaking in favor of the passage of the proposed ordinance were Mrs. F. C. Hubbard, Mr. Jefferson, and others.

Following the discussion the proposed ordinance was passed on its first reading with the following vote:

Councilman Mulvaney voted "No"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "no"
Mayor Eller voted "aye"

The City Manager advised that an appointment had been made in Raleigh seeking the assistance of the

Governor's office in requesting improvements to the Black Mountain Highway, said conference to be attended by officials of the Town of Black Mountain, members of the Buncombe County delegation in the General Assembly, and officials of the City of Asheville, and held on June 27th

The City Manager presented the statement showing the budget position for the City of Asheville for the period ending May 31, 1962.

The City Manager presented the summer schedule of the Recreation Department.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 21, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 21, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. McRary, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning the river bottom portions of Kenilworth Properties, Inc., located on the old Swannanoa Road.

June 21, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a Special Meeting of the City of Asheville Planning and Zoning Commission held on June 15, 1962, the following action was taken on the attached letter:

It was moved, seconded, and passed unanimously that the Commission recommend for rezoning from RA-6 Residential District to Industrial District the following described area:

BEGINNING at a point at the Southeast corner of Lot 120, Sheet 20, Ward 8 of the Buncombe County Tax Maps, as now constituted, said point being on the margin of the Old Black Mountain Highway; thence along the Northern margin of the Old Black Mountain Highway in a Westerly direction along the Southern line of Lots 120, 119½, 119, 118, 117 and 116, to a point on the Southern line of Lot 116, which is the point where the said Southern line intersects with the 1929 City Limit line; thence in a northerly direction, along the 1929 city boundary, through and across Lots 116, 117 to a point on the Northern line of Lot 117; thence in an Easterly direction across the Northern bounds of Lots 118, 119, 119½, 120, across an unnamed street, 121, 122, 123, 124, 125, 112½ to the Northeast corner of Lot 112½; thence in a Northerly direction along the western boundary of Lot 111-3/4 to the Northwest corner of Lot 111-3/4; thence in an Easterly direction to the Northeast corner of Lot 111-3/4; thence in a Southerly direction along the Eastern line of Lots 111-3/4 and 111½ to a point on the Northern margin of the Old Black Mountain Highway; thence in a Westerly direction along the Southern line of Lots 111½, 112½, 125, 124, 123, 122, 121, and across an unnamed street to the Southeast corner of Lot 120, being the point of BEGINNING.

Sincerely yours,

AR:nr

S/ Anthony Redmond
Anthony Redmond,
Secretary

The Council accepted this recommendation upon motion of Councilman Morris, seconded by Councilman Mulvaney, said amendment to be considered at a time to coincide with other hearings on similar rezoning petitions, the City Clerk to set a date for said public hearing.

A communication was received from the Planning and Zoning Commission recommending that the Highland Road-Macon Avenue area remain as it is now zoned, and in this connection recommending certain amendments to the Zoning Ordinance which would up-grade density standards for residential purposes.

June 21, 1962

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a Special Meeting of the City of Asheville Planning and Zoning Commission held on June

15, 1962, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that this Commission recommend that this area remain as it is now zoned.

In conjunction with this request, the Commission moved, seconded, and unanimously passed the attached recommendation to amend Ordinance 322, which would up-grade density standards for residential purposes.

Sincerely yours,

AR:nr
Encl:
Y BN AS - N 15.25

S/ Anthony Redmond
Anthony Redmond,
Secretary

RECOMMENDATION TO CITY COUNCIL FOR AMENDING ORDINANCE NO. 322.

The City of Asheville Planning and Zoning Commission recommends to the Council of the City of Asheville the following amendments to Ordinance No. 322, entitled, "An Ordinance Providing for the Zoning of the City of Asheville."

I. Section 3, (RA-8 Residential District)

A. STRIKE the last sentence of Paragraph C which reads:

"Provided further, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit in excess of two (2) contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area four thousand (4,000) square feet for each apartment or living unit in excess of one (1) contained therein."

II. Section 4, (RA-6 Residential District)

A. STRIKE the last sentence of paragraph C which reads:

"Provided further, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit in excess of two (2) contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area three thousand (3,000) square feet for each apartment or living unit in excess of one (1) contained therein."

III. Section 5, (RA-5 Residential District)

A. STRIKE the last sentence of Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein."

IV. Section 6, (Neighborhood Trading Area)

A. STRIKE Paragraph D-2(a) which reads:

"a. Buildings erected for dwelling purposes exclusively shall comply with the regulations of RA-5 Residential District for side and rear yard requirements."

B. ADD new Paragraph D-2(a) which reads:

"a. Buildings erected for dwelling purposes exclusively shall comply with the regulations of RA-5 Residential District for area and dimensional requirements."

V. Section 19, (DEFINITIONS)

ADD new Paragraph 27.1 which reads:

"27.1 MAIN BUILDING. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any structure used for dwelling purposes shall be deemed to be the main building on the lot which the same is situated. In the case of group housing, each detached building shall be deemed a main building.

The above recommendations were accepted as information by the Council.

A petition was received from Betty B. Coleman and Richard L. Coleman requesting the rezoning of approximately twelve lots in Ward 6, Sheet 14, a large number of which obrder on Patton Avenue and Haywood Road, from Residential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Robert L. Ettenger resigning as a member of the Redevelopment Commission of the City of Asheville.

This resignation was accepted with regret by the City Council, and the City Clerk requested to write a letter to Mr. Ettenger expressing the appreciation of the Council for his services on this Commission.

Councilman Mulvaney introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 173.

The discussion concerning Ordinance #457, being "AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING SECTION 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF", was opened by Councilman Morgan, who stated that an open poll should be held on this question, which poll could be held at the election and would not entail additional expenses to the city. Councilman Morgan moved that this open poll be taken before passing the Ordinance, which motion was seconded by Councilman Mulvaney.

Councilman Sumner stated that if every ordinance to be passed was by opinion of the people, nothing would be done, and he thought the Council should be authorized to take action on matters of this kind.

Councilman Morgan said he thought the citizens should be allowed to vote on this matter since it was a controversial issue, which would be in keeping with what other cities were doing. Councilman McRary stated the ordinance should be acted on today, and if an election was desired it could be held in November. Then Councilman Morgan amended his motion to include "adopt the ordinance subject to the November election." A vote was taken and the motion defeated.

Speaking against the ordinance were Mr. Bill Deusser, Reid Wilson, Mrs. Irby Stevens, Mr. Louis Fox, Mrs. Bruce Franz, and Dr. Cornwall. Mr. Richard Ford, President of the S.P.C.A., also spoke against the ordinance and presented a resolution objecting to the ordinance, and stated in his opinion fifteen days was not sufficient for people to make the necessary adjustments and changes necessary to comply with the ordinance. A spokesman representing families in the Beverly Hills area presented a petition signed by 75 people opposing the ordinance.

Speaking in favor of the ordinance were A. R. Gephart, Mrs. W. D. Buchanan, J. L. Morgan, Mrs. J. L. Morton and others.

Councilman McRary stated that people who have dogs should do the fencing instead of people living in the neighborhood, and cited accidents caused by loose dogs, and the number of people bitten each month.

Following the discussion a vote was taken, and Ordinance #457 passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "no"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "no"
Mayor Eller voted "aye"

It was announced that there would not be a Council meeting on next Thursday due to a tour being made of the Leicester Community in cooperation with the Asheville Agricultural Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, June 28, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY

Thursday, July 5, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 5, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, Ralph D. Morris, Sr., H. Mulvaney, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of plat entitled "Section Z, Hyannis Acres".

July 5, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Section Z, Hyannis Acres" prepared by S. W. Huddleston for Mr. C. F. Bradley, and dated June 1962, shows the subdivision of real estate adjacent to Asheville-Biltmore College.

The above described plat has been reviewed by this Commission at a regular meeting held on March 16, 1961. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director

Yours

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was presented from Shipley's, Inc. requesting the rezoning of certain property directly behind 624 Patton Avenue, which includes lots 10 through 14 facing on Neill and Anna Streets.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A further discussion was had concerning Ordinance #457, being "AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING SECTION 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF".

Speaking in opposition to the enactment of said ordinance were: Mr. Harold Bennett, representing approximately four thousand signers of petitions, who stated the ordinance was unduly punitive, and suggested appointment of a committee to study this matter before further action; Mr. Read Wilson; Miss Terry Acee; E. Frank Edwinn; Louis Fox; Mrs. Bruce Franz, and Barbara Franz; Mrs. Alice Slikker; James Bramlett; Mrs. E. M. Moore; Miss Fannie B. McCoy; Mrs. Blue Morrison, and Mrs. W. C. Brown.

Speaking in favor of the ordinance were A. R. Gephart, Mrs. Jeanetta Bunch; Mr. and Mrs. George Gephart; William D. Deusser; Mrs. F. C. Hubbard; John van den Broek; O. C. Mills; J. L. Morgan; Mrs. R. L. Hodges; Mrs. J. Stines, and E. R. McCarthy.

Councilman Morgan again stated that he feels this is such a controversial matter that the citizens should have a right to decide by vote, that the present ordinance, if enforced, will be just as effective as the proposed ordinance, and that the proposed ordinance will not improve the situation.

Councilman McRary agreed that it is a controversial question, but called attention to a provision of the city charter under which calling an election is obligatory on Council if petitioners secure a specified number of signatures of registered voters.

Councilman Mulvaney expressed the opinion that the present ordinance, if enforced, would answer the problem, and that the people should be given a chance to decide this question.

Councilman Algary stated that the Council has a duty to pass measures it considers in the public interest, and that the proposed ordinance is not designed as a punitive measure to do away with dogs, but rather to make dog owners assume responsibility.

The Corporation Counsel gave a report on dog laws in Greensboro, Winston-Salem, Charlotte, Raleigh, and Salisbury.

Following the discussion, said ordinance was passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "no"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "no"
Mayor Eller voted "aye"

ORDINANCE NO. 457

AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF.

Item 1. That Section 64. Violations, Section 65. Impounding of Dogs, and Section 66. Vicious Dogs Running at Large of Ordinance #420 be and the same are hereby repealed, and in lieu of same the following sections are enacted:

Section 64. Violations. All persons, firms or corporations owning, maintaining or otherwise having custody or control over a dog or dogs within the City of Asheville shall keep, restrain and maintain said dog or dogs upon the property of said person, firm or corporation, unless said dog or dogs are controlled or restrained by a leash or other device. If the Dog Control Officer apprehends any dog or dogs in violation of this ordinance, he shall forthwith impound and handle the same as provided in Section 65 of this ordinance. The apprehension of a dog as aforesaid shall be prima facie evidence that the person, firm or corporation owning, maintaining or otherwise having custody or control of said dog has violated this ordinance.

Section 65. Impounding of Dogs. Any dog which shall be found in violation of the provisions of Section 64 above shall be immediately seized and impounded at the place kept and maintained for this purpose. If not claimed within five days thereafter the owner, keeper or custodian of said dog may retain the same by paying a fee of Five Dollars for the first day of said impounding, plus an additional fee of One Dollar per day thereafter for expense of taking and keeping said dog upon proof that the license and privilege tax requirements for said dog have been met. Should said dog not be redeemed within the time hereinbefore prescribed it may be put to death by the Control Officer in a humane manner with as little pain and suffering as is reasonably possible, and thereafter disposed of by the Dog Control Officer.

Section 67. Person Keeping Dog in Violation Hereof. Any person, firm or corporation owning, keeping or harboring any dog in the City of Asheville who shall violate any provisions of this ordinance shall be subject to a penalty of Five Dollars ($5.00) for each and every such offense.

Item 2 If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, sub-section, clause or phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or parts be declared invalid.

Item 3 That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed

Item 4. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 14 day of June, 1962.

T. B. Sumner
COUNCILMAN

SECONDED BY:

Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 5 day of July, 1962, to become effective 20 day of July, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Mulvaney introduced a resolution appointing two members of board of "The Trustees of Asheville-Biltmore College", which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 174.

Councilman Algary introduced Ordinance No. 458, being "INTERIM APPROPRIATION ORDINANCE", which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously passed on its first reading by the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager requested that the charter requirement that this ordinance be read on three separate days be dispensed with.

Whereupon, Councilman Morgan moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 458, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 458, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 458

INTERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1962 to the date of the adoption of the 1962-63 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest on indebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1961-62 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1962-63 Budget Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made in the 1962-63 Ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and effect immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 5 day of July, 1962.

W. F. Algary
COUNCILMAN

SECONDED BY:

Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 5 day of July, 1962, to become effective 5 day of July, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that a committee from the Catawba Valley Zoological Society of Hickory had recently visited his office and tendered to the city two elephants, two lions, one chimpanzee, one camel, one llama, three ostriches, a Canadian bear, a wolf, two raccoons, two prairie dogs, two alligators, two peacocks, four spider monkeys, four ringtailmonkeys, one mongoose, one goat, one silver badger, one English bobcat, and one king vulture for the Asheville zoo, said specimens being offered because facilities for their display are not yet available, the only stipulation accompanying the gift being a request for Asheville aid from surplus specimens when and if the Catawba Zoo is established.

The City Manager stated the specimens could be housed without too much expense to the city, that they would be a considerable addition to the zoo, and recommended that the specimens be accepted as a gift.

Councilman Algary moved that this gift be accepted with thanks, and that a suitable letter of appreciation be forwarded the Catawba Valley Zoological Society, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1962-63 as prepared by the City Manager, and same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time was publication of the Notice of Presentation of Budget Estimate.

Councilman Morgan moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, which motion was seconded by Councilman Morris and unanimously adopted.

The City Manager further advised that the law required this Budget Estimate to remain on public inspection for twenty-one days, and that the ordinance could be considered any time after July 26th, and suggested a tentative date of July 19th for a conference on the budget.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, July 12, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 12, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, City Manager Hilton Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lots 10, 11 and 12, Ward 6, Sheet 4)

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lots 10, 11 and 12, Ward 6, Sheet 4 from Residential to Industrial District.

July 12, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday,

July 11th, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 10, 11, and 12, Ward 6, Sheet 4 be rezoned from Residential to Industrial District.

Only Lots 10, 11, and 12 were considered for Industrial classification resulting from an amended request of Mr. Tom C. Harrison, representing Mr. H. R. Shipley, the property owner.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
BN AS - N 15.25

Upon motion of Councilman Morgan, seconded by Councilman McRary, the Council accepted this recommendation, said amendment to be considered at a time to coincide with other hearings on similar rezoning petitions, the City Clerk to set a date for said public hearing.

An offer was received from William C. Breazeale to purchase Lot 96, Sheet 14, Ward 6 for the sum of $270.00.

The City Manager advised that this lot has a fifty foot frontage on Druid Drive, and that same would have to be sold at public auction after due advertisement according to law.

Following a discussion Councilman Mulvaney introduced a resolution authorizing City Manager to advertise for public sale Lot 96, Sheet 14, Ward 6, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 175.

A letter was received from J. Alfred Miller, Chairman of the Redevelopment Commission of the City of Asheville, submitting the Urban Renewal Plan, exhibits and maps of the Civic Redevelopment Project N.C. R-13 as approved and adopted by the enclosed resolution of the Redevelopment Commission, July 10, 1962, and the certification of approval by the Asheville Planning and Zoning Commission dated July 11th, 1962, and requesting the City Council to adopt a resolution authorizing the publication of notice of its public hearing on the Urban Renewal Plan.

Following a discussion, Councilman Morgan introduced a resolution of the City Council of the City of Asheville authorizing the publication of Notice of a Public Hearing on Urban Renewal Project, Civic Redevelopment Area, Project No. N. C. R-13, Asheville, North Carolina, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 176, and 177.

The City Manager advised that the next step in the widening of Merrimon Avenue would be the creation of an Assessment District and the summoning of a jury to assess benefits and damages.

Following a discussion Councilman Sumner introduced a resolution erecting an Assessment District and directing Mayor to issue writ to summon a jury to assess benefits or damages in connection with the widening Merrimon Avenue, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, and unanimously

Complete copy of resolution will be found in Resolution Book 4 at page 178.

Miss Fannie McCoy read a statement opposing urban renewal.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 19, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY CLERK

Thursday, July 26, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 26, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property in Ward 6, Sheet 14, as requested by Betty B. Coleman and Richard L. Coleman, and recommending that the developer be urged to place such screen planting as the terrain will allow along the western margin of Druid Drive adjacent to the rezoned property.

Upon motion of Councilman Morgan, seconded by Councilman Morris, the Council accepted this recommendation, said amendment to be considered at a time to coincide with other hearings on similar rezoning petitions, the City Clerk to set a date for said public hearing.

July 26, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a Special Meeting of the Asheville Planning and Zoning Commission held Wednesday, July 25, 1962, the following action was taken on the attached request:

It was moved, seconded and unanimously passed that the Commission recommend that the following described property be rezoned from Residential to Neighborhood Trading Area:

BEGINNING at a common point at the intersection of Parkwood Road and Patton Avenue, thence in a southerly direction along the edge of Parkwood Road 475 feet to a point; thence in an easterly direction through Lot 12½ to the southeastern corner of Lot 65; thence in a northerly direction along the eastern bounds of Lots 65, 65½, and through Lot 130 to a point which is 250' from Patton Avenue, said point being the existing Neighborhood Trading Area boundary; thence in a westerly direction with the Neighborhood Trading Area bounds to the point of BEGINNING. All lots referred to are shown on the Buncombe County Tax Map, as now constituted, Ward 6, Sheet 14.

The Commission also recommends that the Developer be urged to place such screen planting as the terrain will allow along the western margin of Druid Drive adjacent to the rezoned property.

A copy of a letter from Mr. Richard L. Coleman, dated July 17th, amending his original request, is attached for your information.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BN AS - N 15.25

A petition was received from Abraham Radin T/A Radson Properties, owner of certain property described therein located between Caribou Road and Sweeten Creek Road, requesting that said property be annexed to the City of Asheville.

Following a discussion, Councilman Morris moved that the Corporation Counsel take the necessary steps to place the matter before the Council at a public hearing, which motion was seconded by Councilman McRary and unanimously adopted.

A letter was received from E. S. Koon resigning as a member of the Metropolitan Sewerage District Board, effective August 1, 1962.

Councilman Morgan moved that this resignation be accepted with regret, and that a letter be written Mr. Koon thanking him for his service on this Board, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

A letter was received from Eugene P. Coston, Chairman of the City Board of Elections, certifying the sufficiency of petitions filed with the said Board protesting against the passage of Ordinance No. 457 and requesting the Council to again consider said ordinance and if not repealed to submit the repeal or passage of said ordinance to the qualified voters.

CITY BOARD OF ELECTIONS
Asheville, N. C.

July 24, 1962

City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

This is to advise that on Thursday, July 19, 1962 petitions "protesting against the passage of Ordinance No. 457 (Ordinance regulating keeping of dogs in the City of Asheville), requesting that said

Ordinance be again considered by the City Council and that if the same is not repealed at the next regular meeting of the Council following the submission of this petition that the Council submit to the voters of the City the question of the repeal of such Ordinance at an election to be held for that purpose", were filed with the City Board of Elections.

The Board of Elections has checked and verified said petitions, and hereby certifies that said petitions are sufficient, according to Article 12 of the Charter of the City of Asheville, based upon the following facts as determined by this Board:

1. The total number of all votes cast for members of the City Council at the next preceding municipal election was 51,904.

2. The total number of registered and qualified voters of the city required is fifteen per cent of one-seventh of the total of all votes cast for members of the City Council at the next preceding municipal election, or 1,112.

3. The total number of registered and qualified voters of the city verified is 1150, which is in excess of the number required by the Charter.

Respectfully submitted,

S/ Eugene P. Coston
Chairman, City Board of
Elections

Councilman Morgan stated that in view of the fact that a special election would cost in the neighborhood of $6,000.00 he felt that it was the duty of the Council to avoid this expenditure and that a re solution had been prepared explaining this matter to the citizens of the city.

Councilman Morgan then introduced RESOLUTION SETTING FORTH THE INTENT OF THE COUNCIL IN REGA TO REPEALING ORDINANCE #457, AND REQUESTING ENABLING LEGISLATION TO BE SUBMITTED BY THE BUNCOMBE COUNTY DELEGA TO THE 1963 GENERAL ASSEMBLY FOR SUBMITTING A DOG ORDINANCE TO THE VOTERS OF THE CITY OF ASHEVILLE AT THE MAY GENERAL MUNICIPAL ELECTION, which resolution was seconded by Councilman McRary, and was read in full.

Councilman McRary stated that in seconding the resolution he wanted it clearly understood th he had not changed his opinion as to the ordinance as enacted, but solely in the interest of saving the city ximately $6,000.00 he wanted this matter deferred as specified in the resolution until it could be brought be the voters without extra cost, since the city budget is extremely tight at this time.

Councilman Sumner stated that he opposed the resolution for the reason that if the ordinance rescinded now this same ordinance would never be passed again, that it is a good ordinance, and he feared the lature wouldn't bring back the same ordinance since he believed that some members of the Buncombe delegation opposed to it.

The City Manager advised that the Council would only be asking the legislature for permiss a vote on the city-drawn ordinance.

Councilmen Morgan and Morris stated that if legislative action can't be obtained, Council still re-adopt the same ordinance at a date next spring within ninety days of the May 14th municipal general tion, and that a renewed referendum petition by opponents would secure the vote on the ordinance at the gener election.

Mr. Harold K. Bennett, secretary of the referendum committee of ordinance opponents, object the action on grounds that the repeal ordinance and the resolution seeking legislative action "taken together not constitute "complete repeal" as required by the charter, but was merely a "postponement".

Following the discussion a vote was taken on the resolution, and the resolution was adopted, Councilman Sumner voting "no", and later withdrawing his vote and abstaining from voting.
Complete copy of resolution will be found in Resolution Book 4 at page 179.

Councilman Morgan then introduced Ordinance No. 459, being "AN ORDINANCE REPEALING ORDINANCE # TION 1 OF ORDINANCE #420 BY REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS R AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF'", which was seconded by Councilman McRar passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager suggested that the charter requirement that the ordinance be read on three arate days be dispensed with, and motion was so made by Councilman Mulvaney and seconded by Councilman Morgan

Councilman Sumner opposed the motion, and requested that the ordinance be read on three sep

A vote was taken and the motion adopted, with Councilman Sumner voting "no".

Whereupon, Ordinance No. 459, being "AN ORDINANCE REPEALING ORDINANCE #457, BEING 'AN ORDI

NDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. ICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF'", was, upon motion of uncilman Morgan, seconded by Councilman McRary, passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 459, being "AN ORDINANCE REPEALING ORDINANCE #457, BEING 'AN ORDINANCE AMENDING A PART F SECTION 1 OF ORDINANCE #420 BY REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUN- ING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF'", was, upon motion of Councilman Morgan, conded by Councilman McRary, passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "no"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 459

N ORDINANCE REPEALING ORDINANCE #457, BEING "AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 BY REPEALING ECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING W SECTIONS IN LIEU THEREOF".

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Item 1. That Ordinance No. 457, being "AN ORDINANCE AMENDING A PART OF SECTION 1 OF ORDINANCE #420 REPEALING SECTIONS 64. VIOLATIONS, 65. IMPOUNDING OF DOGS, AND 66. VICIOUS DOGS RUNNING AT LARGE RELATING TO DOGS AND INSERTING NEW SECTIONS IN LIEU THEREOF." be and the same is hereby repealed in compliance with the provisions of Article 12 of the Charter of the City of Asheville.

I move the adoption of the foregoing ordinance, this 26th day of July, 1962.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 26th day of July, 1962, to become effective 26th day of July, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Councilman Morris introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 180.

The City Manager reported that no raised bid had been received for the property on Hendersonville Road, which was sold to Herbert C. Allen on July 3, 1962.

Whereupon, Councilman Mulvaney introduced a resolution directing Mayor to execute deed to Herbert C. Allen and wife, Lucille R. Allen, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 181.
Copy of deed will be found attached to original resolution.

The City Manager advised that a quit-claim deed had been requested by Charles F. Weed to certain property in Swannanoa Township in order to remove a cloud on the title to this property by reason of the city's interest in the Board of Financial Control, and that the city had no interest in the property.

Whereupon, Councilman Morris introduced a resolution authorizing Mayor to execute quit-claim deed to Charles F. Weed to an eight and a half acre tract in Swannanoa Township and described in deed book 581 at page 39 of the Buncombe County Registry, which was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 182.
Copy of deed will be found attached to original resolution.

The City Manager advised that the budget ordinance had been prepared in accorda deliberations of the Council.

Councilman Mulvaney then introduced Ordinance No. 460, being "AN ORDINANCE ADOP PRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEA was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its with the following vote:

Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"
Councilman Sumner voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

Thursday, August 2, 1962 - 4:00 o'clock

The City Council met in regular session Thursday, August 2, 1962, at 4:00 o'clock p. Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, T. B. Sumner, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager called attention to the fact that today is the day set for a public hearing the matter of the Civic Redevelopment Project, Project N. C. R-13; that the Redevelopment Commission has passed resolution approving said project, and has submitted plans and records in connection therewith; and that the before the Council now is enactment of a resolution approving the Project, which approval is subject to a refe dum on the bond issue necessary to support the city's share of the cost of the project, and directing administ tive action to fix the date for said referendum. The City Manager further advised that it would then be neces to confer with the Local Government Commission in Raleigh and bond attorneys on the various resolutions and le lation necessary in order to fix the date and call the election.

The City Manager discussed briefly three changes which have been made in the wording of the ject plan in regard to office building space in the project area, supporting or commercial establishments in project area and the final authority of City Council in approving any changes in the project plan for land use before the expiration of project restrictions after 20 years.

Speaking in favor of the project were Mr. Bruce Brown on behalf of the Chamber of Commerce, Civic Arts Center and its thirty member organizations; Dr. W. Perry Crouch, Pastor of First Baptist Church; Mr William Grant of the Board of Trustees of First Christian Church; and Mrs. Don R. Printz, Chairman of the City School Board. Other speakers were Mrs. Rogers, Miss Pam Roberts, and Miss Annie Westall, who read a letter fr Mr. Reuben B. Robertson. The Board of Trustees of the City of Asheville Libraries also approved the project.

Opposition to the project was expressed by Mr. W. Blanton Wright, Mr. Colin L. Lett, Miss Fa B. McCoy, Mr. A. C. Carver, and Mr. Coleman Glenn. Comments and suggestions were made by Dr. Fletcher Sluder Mrs. William B. Haynes asked for assurance of the right to relocate a business now in the project area within area, and Mr. J. H. Hickman asked for assurance of a fair price for his property.

Councilman Morgan then introduced RESOLUTION OF THE COUNCIL OF THE CITY OF ASHEVILLE APPROV THE URBAN RENEWAL PLAN FOR PROJECT N. C. R-13, which was seconded by Councilman Mulvaney.

Councilman Sumner stated that he was in favor of the urban renewal plan in general, but obje to the inclusion of an office building in the project, and objected to the purchase of the two filling statio the supermarket in the project area, and that he thought it was unfair to take taxpayers' money to make improv ments which would benefit private developers in the project, and he did not think the bond issue would carry these clauses were eliminated.

Following the discussion, said resolution was adopted, with Councilman Sumner voting "no".

RESOLUTION OF THE COUNCIL OF THE
CITY OF ASHEVILLE APPROVING THE URBAN
RENEWAL PLAN FOR PROJECT N. C. R-13

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Housing Home Finance Administrator is authorized to provide financial assistance to Local Public Agencies for undertak and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall requir that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality which the project is situated and that such approval include findings by the governing body that: (1) the fi cial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound nee the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterpri (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facil as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welf of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Asheville (herein called the Local Publ Agency) has entered into a planning contract for financial assistance under such Act with the United States o America, acting by and through the Housing and Home Finance Administrator, pursuant to which Federal Funds we provided for the urban renewal project (herein called the "Project" identified as "Civic Redevelopment Project Project, N. C. R-13", and encompassing the area bounded generally by College and Poplar Streets on the South East, by the East-West cross town expressway on the North and by Spruce and Market Streets on the West in the of Asheville, State of North Carolina, (herein called the "Locality"); and

WHEREAS, the Local Public Agency has applied for financial assistance under such Act and proposes nter into a contract or contracts with the Housing and Home Finance Agency for the undertaking of, and for making ilable financial assistance for, the Project; and

WHEREAS, the Local Public Agency has made detailed studies of the location, physical condition of ructure, land use, environmental influences, and social, cultural and economic conditions of the Project area and determined that the area is a blighted area as defined by the applicable State law and Title I of the Housing Act 1949, as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants users thereof and of the locality at large, because of the dilapidation, deterioration, age or obsolescence, un- nitary or unsafe conditions which substantially impair the sound growth of the community, is conducive to ill-health, ansmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, orals and lfare, and the members of the Governing Body have been fully apprised by the Local Public Agency and are aware of e facts and conditions; and

WHEREAS, there has been prepared and referred to the Council of the Locality (herein called the verning Body") for review and approval an Urban Renewal Plan for the Project area, dated September 22nd, 1961, mended, and consisting of thirty pages, one exhibit and maps RP-1 through RP-7, supported by the following supple- ary material, data and recommendations, which material, data, and recommendations are not a part of said Urban Re- l Plan:

(a) Certified copy of resolution of the Redevelopment Commission of the City of Asheville approving Urban Renewal Plan and conditions under which relocation payments will be made for Project No. N. C. R-13.

(b) Certification of its recommendation of approval of the Redevelopment Plan by the City of Ashe- ille Planning and Zoning Commission; and

WHEREAS, said Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, evidenced by the copy of said Body's duly certified resolution approving said Urban Renewal Plan, which is attached ereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general de- elopment of the Locality as a whole; and

WHEREAS, the City of Asheville Planning and Zoning Commission which is the duly designated and act- ly official planning body for the Locality, has submitted to the Governing Body its report and recommendations respect- ly said Urban Renewal Plan for the Project area and has certified that said Urban Renewal Plan conforms to the said eneral plan for the Locality as a whole, and the Governing Body has duly considered said report, recommendations, and ertification of the planning body; and

WHEREAS, said Urban Renewal Plan for the Project area prescribes certain land uses for the Project ea and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other ublic ways, the establishment of new street patterns, the location and re-location of sewer and water mains and other ublic facilities, and other public action; and

WHEREAS, the Commissioners of the Redevelopment Commission of the City of Asheville have caused to e made a competent independent analysis of the local supply of hotel and other transient housing; and

WHEREAS, the Local Public Agency has prepared and submitted proposals for the relocation of fami- ies that may be displaced as a result of carrying out the Project in accordance with said Urban Renewal Plan; and

WHEREAS, there have also been presented to the Governing Body information and data respecting the roposals for relocation which have been prepared by the Local Public Agency as a result of studies, surveys, and nspections in the Project area and the assembling and analysis of the data and information obtained from such stud- s, surveys, and inspections; and

WHEREAS, the members of this Governing Body have general knowledge of the conditions prevailing in e Project area and of the availability of proper housing in the locality for the relocation of families that may be isplaced from the Project area and, in the light of such knowledge of local housing conditions, have carefully consi- ered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the pro- osals for relocation and said Urban Renewal Plan for the Project, in conformity with the contract for financial assis- nce between the Local Public Agency and the United States of America, acting by and through the Housing and Home Fi- nce Administrator; and

WHEREAS, in order for the City of Asheville to meet the financial obligations on its part required o be met in order to effectuate the plan it is necessary to issue its bonds in connection with which certain require- nts of the Laws of the State of North Carolina and of the Charter of the City of Asheville must be met:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Asheville as follows:

1. That it is hereby found and determined that the Project is a blighted area and qualified as a roject area under Sections 160-454 through 160-474 of the General Statutes of North Carolina commonly known as the Urban Redevelopment Law", as amended, and that it is detrimental and a menace to the safety, health, and welfare of he inhabitants and users thereof and of the Locality at large, because of the dilapidation, deterioration, age or ob- olescence, unsanitary or unsafe conditions which substantially impair the sound growth of the community, is conducive o ill health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, nd welfare.

2. That said Urban Renewal Plan for the Project aforementioned, having been duly reviewed and con- idered, is hereby approved subject to the modifications hereinafter set forth and the City Clerk be and she is hereby irected to file said copy of said Urban Renewal Plan with the modifications so indicated with the minutes of this eeting:

(a) That the definition of "CONTROLLED COMMERCIAL OFFICE USE" appearing upon Page 18 (Code R-213 0-3-2) be delteted and the following paragraph substituted in lieu thereof:

"'CONTROLLED COMMERCIAL OFFICE USE' is space intended to replace commercial offices now existing and use within the project area which will be eliminated by Project clearance. Commercial office space may be construct- d to replace such existing occupied office space, oclupied as such on November 1st, 1960, but shall not exceed the tal floor area thereof, or 35,000 square feet, whichever is less".

(b) That the definiition of "SMALL SUPPORTING COMMERCIAL OR SERVICE ENTERPRISE" appearing upon ge 18 (Code R-213 10-3-2) be deleted and the following paragraph substituted in lieu thereof: "SUPPORTING COMMER- AL OR SERVICE ENTERPRISE' means incidental accessory retail and service uses such as restaurants, gift or variety ops, soda shops, drug stores, food stores, barber or beauty shops, conducted solely for the convenience of the own- rs, employees, tenants, patrons or visitors on the premises and without exterior advertising display."

(c) That the first paragraph on Page 30 of said Plan (Code R-213, 10-3-2) under the heading "PRO-

The City Manager advised that the budget ordinance had been prepared in accordance with the deliberations of the Council.

Councilman Mulvaney then introduced Ordinance No. 460, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1962-63, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"
Councilman Sumner voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 2, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 2, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, T. B. Sumner, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager called attention to the fact that today is the day set for a public hearing in the matter of the Civic Redevelopment Project, Project N. C. R-13; that the Redevelopment Commission has passed a resolution approving said project, and has submitted plans and records in connection therewith; and that the matter before the Council now is enactment of a resolution approving the Project, which approval is subject to a referendum on the bond issue necessary to support the city's share of the cost of the project, and directing administrative action to fix the date for said referendum. The City Manager further advised that it would then be necessary to confer with the Local Government Commission in Raleigh and bond attorneys on the various resolutions and legislation necessary in order to fix the date and call the election.

The City Manager discussed briefly three changes which have been made in the wording of the project plan in regard to office building space in the project area, supporting or commercial establishments in the project area and the final authority of City Council in approving any changes in the project plan for land use before the expiration of project restrictions after 20 years.

Speaking in favor of the project were Mr. Bruce Brown on behalf of the Chamber of Commerce, the Civic Arts Center and its thirty member organizations; Dr. W. Perry Crouch, Pastor of First Baptist Church; Mr. William Grant of the Board of Trustees of First Christian Church; and Mrs. Don R. Printz, Chairman of the City School Board. Other speakers were Mrs. Rogers, Miss Pam Roberts, and Miss Annie Westall, who read a letter from Mr. Reuben B. Robertson. The Board of Trustees of the City of Asheville Libraries also approved the project.

Opposition to the project was expressed by Mr. W. Blanton Wright, Mr. Colin L. Lett, Miss P. B. McCoy, Mr. A. G. Carver, and Mr. Coleman Glenn. Comments and suggestions were made by Dr. Fletcher Sluder, Mrs. William B. Haynes asked for assurance of the right to relocate a business now in the project area within the area, and Mr. J. H. Hickman asked for assurance of a fair price for his property.

Councilman Morgan then introduced RESOLUTION OF THE COUNCIL OF THE CITY OF ASHEVILLE APPROVING THE URBAN RENEWAL PLAN FOR PROJECT N. C. R-13, which was seconded by Councilman Mulvaney.

Councilman Sumner stated that he was in favor of the urban renewal plan in general, but objected to the inclusion of an office building in the project, and objected to the purchase of the two filling stations and the supermarket in the project area, and that he thought it was unfair to take taxpayers' money to make improvements which would benefit private developers in the project, and he did not think the bond issue would carry if these clauses were eliminated.

Following the discussion, said resolution was adopted, with Councilman Sumner voting "no".

RESOLUTION OF THE COUNCIL OF THE
CITY OF ASHEVILLE APPROVING THE URBAN
RENEWAL PLAN FOR PROJECT N. C. R-13

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Housing and Home Finance Administrator is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Asheville (herein called the Local Public Agency) has entered into a planning contract for financial assistance under such Act with the United States of America, acting by and through the Housing and Home Finance Administrator, pursuant to which Federal Funds were provided for the urban renewal project (herein called the "Project" identified as "Civic Redevelopment Project No. Project, N. C. R-13", and encompassing the area bounded generally by College and Poplar Streets on the South and East, by the East-West cross town expressway on the North and by Spruce and Market Streets on the West in the City of Asheville, State of North Carolina, (herein called the "Locality"); and

WHEREAS, the Local Public Agency has applied for financial assistance under such Act and proposes to enter into a contract or contracts with the Housing and Home Finance Agency for the undertaking of, and for making available financial assistance for, the Project; and

WHEREAS, the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural and economic conditions of the Project area and has determined that the area is a blighted area as defined by the applicable State law and Title I of the Housing Act of 1949, as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the locality at large, because of the dilapidation, deterioration, age or obsolescence, unsanitary or unsafe conditions which substantially impair the sound growth of the community, is conducive to ill-health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, morals and welfare, and the members of the Governing Body have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Council of the Locality (herein called the Governing Body") for review and approval an Urban Renewal Plan for the Project area, dated September 22nd, 1961, as amended, and consisting of thirty pages, one exhibit and maps RP-1 through RP-7, supported by the following supplementary material, data and recommendations, which material, data, and recommendations are not a part of said Urban Renewal Plan:

(a) Certified copy of resolution of the Redevelopment Commission of the City of Asheville approving the Urban Renewal Plan and conditions under which relocation payments will be made for Project No. N. C. R-13.

(b) Certification of its recommendation of approval of the Redevelopment Plan by the City of Asheville Planning and Zoning Commission; and

WHEREAS, said Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Body's duly certified resolution approving said Urban Renewal Plan, which is attached hereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the City of Asheville Planning and Zoning Commission which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting said Urban Renewal Plan for the Project area and has certified that said Urban Renewal Plan conforms to the said general plan for the Locality as a whole, and the Governing Body has duly considered said report, recommendations, and certification of the planning body; and

WHEREAS, said Urban Renewal Plan for the Project area prescribes certain land uses for the Project area and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and re-location of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Commissioners of the Redevelopment Commission of the City of Asheville have caused to be made a competent independent analysis of the local supply of hotel and other transient housing; and

WHEREAS, the Local Public Agency has prepared and submitted proposals for the relocation of families that may be displaced as a result of carrying out the Project in accordance with said Urban Renewal Plan; and

WHEREAS, there have also been presented to the Governing Body information and data respecting the proposals for relocation which have been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the Project area and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of this Governing Body have general knowledge of the conditions prevailing in the Project area and of the availability of proper housing in the locality for the relocation of families that may be displaced from the Project area and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the proposals for relocation and said Urban Renewal Plan for the Project, in conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Housing and Home Finance Administrator; and

WHEREAS, in order for the City of Asheville to meet the financial obligations on its part required to be met in order to effectuate the plan it is necessary to issue its bonds in connection with which certain requirements of the Laws of the State of North Carolina and of the Charter of the City of Asheville must be met:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Asheville as follows:

1. That it is hereby found and determined that the Project is a blighted area and qualified as a project area under Sections 160-454 through 160-474 of the General Statutes of North Carolina commonly known as the "Urban Redevelopment Law", as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, because of the dilapidation, deterioration, age or obsolescence, unsanitary or unsafe conditions which substantially impair the sound growth of the community, is conducive to ill health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, morals and welfare.

2. That said Urban Renewal Plan for the Project aforementioned, having been duly reviewed and considered, is hereby approved subject to the modifications hereinafter set forth and the City Clerk be and she is hereby instructed to file said copy of said Urban Renewal Plan with the modifications so indicated with the minutes of this meeting:

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The City Manager advised that the budget ordinance had been prepared in accordance with the deliberations of the Council.

Councilman Mulvaney then introduced Ordinance No. 460, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1962-63, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"
Councilman Sumner voted "aye"

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 2, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 2, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, T. B. Sumner, J. W. McRary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager called attention to the fact that today is the day set for a public hearing on the matter of the Civic Redevelopment Project, Project N. C. R-13; that the Redevelopment Commission has passed a resolution approving said project, and has submitted plans and records in connection therewith; and that the matter before the Council now is enactment of a resolution approving the Project, which approval is subject to a referendum on the bond issue necessary to support the city's share of the cost of the project, and directing administrative action to fix the date for said referendum. The City Manager further advised that it would then be necessary to confer with the Local Government Commission in Raleigh and bond attorneys on the various resolutions and legislation necessary in order to fix the date and call the election.

The City Manager discussed briefly three changes which have been made in the wording of the project plan in regard to office building space in the project area, supporting or commercial establishments in the project area and the final authority of City Council in approving any changes in the project plan for land uses before the expiration of project restrictions after 20 years.

Speaking in favor of the project were Mr. Bruce Brown on behalf of the Chamber of Commerce, the Civic Arts Center and its thirty member organizations; Dr. W. Perry Crouch, Pastor of First Baptist Church; Mr. William Grant of the Board of Trustees of First Christian Church; and Mrs. Don R. Printz, Chairman of the City School Board. Other speakers were Mrs. Rogers, Miss Pam Roberts, and Miss Annie Westall, who read a letter from Mr. Reuben B. Robertson. The Board of Trustees of the City of Asheville Libraries also approved the project.

Opposition to the project was expressed by Mr. W. Blanton Wright, Mr. Colin L. Lett, Miss F... B. McCoy, Mr. A. G. Carver, and Mr. Coleman Glenn. Comments and suggestions were made by Dr. Fletcher Sluder, Mrs. William B. Haynes asked for assurance of the right to relocate a business now in the project area within ... area, and Mr. J. H. Hickman asked for assurance of a fair price for his property.

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Councilman Sumner stated that he was in favor of the urban renewal plan in general, but objected to the inclusion of an office building in the project, and objected to the purchase of the two filling stations, the supermarket in the project area, and that he thought it was unfair to take taxpayers' money to make improvements which would benefit private developers in the project, and he did not think the bond issue would carry if these clauses were eliminated.

Following the discussion, said resolution was adopted, with Councilman Sumner voting "no".

RESOLUTION OF THE COUNCIL OF THE
CITY OF ASHEVILLE APPROVING THE URBAN
RENEWAL PLAN FOR PROJECT N. C. R-13

WHEREAS, under the provisions of Title I of the Housing Act of 1949, as amended, the Housing ... Home Finance Administrator is authorized to provide financial assistance to Local Public Agencies for undertaking and carrying out urban renewal projects; and

WHEREAS, it is provided in such Act that contracts for financial aid thereunder shall require that the Urban Renewal Plan for the respective project area be approved by the governing body of the locality in which the project is situated and that such approval include findings by the governing body that: (1) the financial aid to be provided in the contract is necessary to enable the project to be undertaken in accordance with the Urban Renewal Plan; (2) the Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; (3) the Urban Renewal Plan conforms to a general plan for the development of the locality as a whole; and (4) the Urban Renewal Plan gives due consideration to the provision of adequate park and recreational areas and facilities as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan; and

WHEREAS, the Redevelopment Commission of the City of Asheville (herein called the Local Public Agency) has entered into a planning contract for financial assistance under such Act with the United States of America, acting by and through the Housing and Home Finance Administrator, pursuant to which Federal Funds were provided for the urban renewal project (herein called the "Project" identified as "Civic Redevelopment Project, N. C. R-13", and encompassing the area bounded generally by College and Poplar Streets on the South, East, by the East-West cross town expressway on the North and by Spruce and Market Streets on the West in the City of Asheville, State of North Carolina, (herein called the "Locality"); and

WHEREAS, the Local Public Agency has applied for financial assistance under such Act and proposes to enter into a contract or contracts with the Housing and Home Finance Agency for the undertaking of, and for making available financial assistance for, the Project; and

WHEREAS, the Local Public Agency has made detailed studies of the location, physical condition of structures, land use, environmental influences, and social, cultural and economic conditions of the Project area and has determined that the area is a blighted area as defined by the applicable State law and Title I of the Housing Act of 1949, as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the locality at large, because of the dilapidation, deterioration, age or obsolescence, unsanitary or unsafe conditions which substantially impair the sound growth of the community, is conducive to ill-health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, morals and welfare, and the members of the Governing Body have been fully apprised by the Local Public Agency and are aware of these facts and conditions; and

WHEREAS, there has been prepared and referred to the Council of the Locality (herein called the "Governing Body") for review and approval an Urban Renewal Plan for the Project area, dated September 22nd, 1961, as amended, and consisting of thirty pages, one exhibit and maps RP-1 through RP-7, supported by the following supplementary material, data and recommendations, which material, data, and recommendations are not a part of said Urban Renewal Plan:

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(b) Certification of its recommendation of approval of the Redevelopment Plan by the City of Asheville Planning and Zoning Commission; and

WHEREAS, said Urban Renewal Plan has been approved by the Governing Body of the Local Public Agency, as evidenced by the copy of said Body's duly certified resolution approving said Urban Renewal Plan, which is attached hereto; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the Locality as a whole; and

WHEREAS, the City of Asheville Planning and Zoning Commission which is the duly designated and acting official planning body for the Locality, has submitted to the Governing Body its report and recommendations respecting said Urban Renewal Plan for the Project area and has certified that said Urban Renewal Plan conforms to the said general plan for the Locality as a whole, and the Governing Body has duly considered said report, recommendations, and certification of the planning body; and

WHEREAS, said Urban Renewal Plan for the Project area prescribes certain land uses for the Project area and will require, among other things, changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and re-location of sewer and water mains and other public facilities, and other public action; and

WHEREAS, the Commissioners of the Redevelopment Commission of the City of Asheville have caused to be made a competent independent analysis of the local supply of hotel and other transient housing; and

WHEREAS, the Local Public Agency has prepared and submitted proposals for the relocation of families that may be displaced as a result of carrying out the Project in accordance with said Urban Renewal Plan; and

WHEREAS, there have also been presented to the Governing Body information and data respecting the proposals for relocation which have been prepared by the Local Public Agency as a result of studies, surveys, and inspections in the Project area and the assembling and analysis of the data and information obtained from such studies, surveys, and inspections; and

WHEREAS, the members of this Governing Body have general knowledge of the conditions prevailing in the Project area and of the availability of proper housing in the locality for the relocation of families that may be displaced from the Project area and, in the light of such knowledge of local housing conditions, have carefully considered and reviewed such proposals for relocation; and

WHEREAS, it is necessary that the Governing Body take appropriate official action respecting the proposals for relocation and said Urban Renewal Plan for the Project, in conformity with the contract for financial assistance between the Local Public Agency and the United States of America, acting by and through the Housing and Home Finance Administrator; and

WHEREAS, in order for the City of Asheville to meet the financial obligations on its part required to be met in order to effectuate the plan it is necessary to issue its bonds in connection with which certain requirements of the Laws of the State of North Carolina and of the Charter of the City of Asheville must be met:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Asheville as follows:

1. That it is hereby found and determined that the Project is a blighted area and qualified as a project area under Sections 160-454 through 160-474 of the General Statutes of North Carolina commonly known as the "Urban Redevelopment Law", as amended, and that it is detrimental and a menace to the safety, health, and welfare of the inhabitants and users thereof and of the Locality at large, because of the dilapidation, deterioration, age or obsolescence, unsanitary or unsafe conditions which substantially impair the sound growth of the community, is conducive to ill health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, and welfare.

2. That said Urban Renewal Plan for the Project aforementioned, having been duly reviewed and considered, is hereby approved subject to the modifications hereinafter set forth and the City Clerk be and she is hereby directed to file said copy of said Urban Renewal Plan with the modifications so indicated with the minutes of this meeting:

(a) That the definition of "CONTROLLED COMMERCIAL OFFICE USE" appearing upon Page 18 (Code R-213 10-3-2) be delteted and the following paragraph substituted in lieu thereof:

"'CONTROLLED COMMERCIAL OFFICE USE' is space intended to replace commercial offices now existing and in use within the project area which will be eliminated by Project clearance. Commercial office space may be constructed to replace such existing occupied office space, oclupied as such on November 1st, 1960, but shall not exceed the total floor area thereof, or 35,000 square feet, whichever is less".

(b) That the definiition of "SMALL SUPPORTING COMMERCIAL OR SERVICE ENTERPRISE" appearing upon Page 18 (Code R-213 10-3-2) be deleted and the following paragraph substituted in lieu thereof: "SUPPORTING COMMERCIAL OR SERVICE ENTERPRISE' means incidental accessory retail and service uses such as restaurants, gift or variety shops, soda shops, drug stores, food stores, barber or beauty shops, conducted solely for the convenience of the owners, employees, tenants, patrons or visitors on the premises and without exterior advertising display."

(c) That the first paragraph on Page 30 of said Plan (Code R-213, 10-3-2) under the heading "PRO-

CEDURE FOR CHANGES IN APPROVED PLAN" be deleted and the following paragraph substituted in lieu thereof. "The Redevelopment Plan may be modified at any time by the Commission; provided that, if modified after the sale of real property in the redevelopment project area, the modification must be consented to by the redeveloper of such real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment plan as previously approved by the Governing Body the modification must similarly be approved by the Governing Body as provided by law."

3. That it is hereby found and determined that said Urban Renewal Plan for the Project Area conforms to said general plan of the Locality.

4. That it is hereby found and determined that the financial aid provided and to be provided pursuant to said contract for Federal financial assistance pertaining to the Project is necessary to enable the Project to be undertaken in accordance with the Urban Renewal Plan for the Project area.

5. That it is hereby found and determined that the above mentioned Urban Renewal Plan for the Urban Renewal Area will afford maximum opportunity, consistent with the sound needs of the Locality as a whole, for the urban renewal of such areas by private enterprise.

6. That it is hereby found and determined that the Urban Renewal Plan for the Urban Renewal Area gives due consideration to the provision for adequate park and recreational areas and facilities as may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the Plan.

7. That it is hereby found and determined, as a result of a competent independent analysis of the local supply of transient housing, that there exists in the area a need for additional units of such housing.

8. That it is hereby found and determined that the proposals for the proper relocation of the families displaced in carrying out the Project in decent, safe, and sanitary dwellings in conformity with acceptable standards are feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the Project; and that such dwellings or dwelling units available or to be made available to such displaced families are at least equal in number to the number of displaced families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced families in the Project area, are available at rents or prices within the financial means of the displaced families, and are reasonably accessible to their places of employment.

9. That in order to implement and facilitate the effectuation of the Urban Renewal Plan hereby approved it is found and determined that certain official action must be taken by this Body with reference, among other things, to changes in zoning, the vacating and removal of streets, alleys, and other public ways, the establishment of new street patterns, the location and relocation of sewer and water mains and other public facilities and other public action, and, accordingly, this Body hereby: (a) pledges its cooperation in helping to carry out such Urban Renewal Plan; (b) requests the various officials, departments, boards and agencies of the Locality having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with said Urban Renewal Plan; and (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate said Urban Renewal Plan.

10. That financial assistance under the provisions of Title I of the Housing Act of 1949, as amended, is necessary to enable the land in the Project area to be renewed in accordance with the Urban Renewal Plan for the Project area and, accordingly, the filing by the Local Public Agency of an application or applications for such financial assistance under said Title I is hereby approved.

11. That it is hereby found and determined in order for the City of Asheville to meet the financial obligations on its part required to be met in order to effectuate the Plan and to comply with the covenants and pledges set forth in Paragraph No. 9 hereof, it is necessary to issue its bonds and that a referendum therefor must be called in order to comply with the requirements of the State of North Carolina and of the Charter of the City of Asheville, and that, therefore, the commitments so made and the obligations herein undertaken are contingent upon approval by the citizens of Asheville of the issuance of bonds necessary for these purposes.

12. That the appropriate officials of the Locality act with all due dispatch in connection with the calling of such a referendum with respect to the issuance of its bonds.

13. That this resolution being a resolution directing administrative action shall take effect immediately.

I move the adoption of the foregoing resolution.

C. E. Morgan
Councilman

Frank Mulvaney
Seconded by

Read, approved and adopted this 2nd day of August, 1962.

E. W. Eller
Mayor

Margaret Simmons
City Clerk

Approved as to form:

O. E. Starnes, Jr.
Corporation Counsel

Complete copy of resolution will also be found in Resolution Book #4 at page 183, et seq.

Ordinance No. 460, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1962-63", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Abraham Radin, trading and doing business as Radson Properties, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted. Complete copy of resolution will be found in Resolution Book 4 at page 186.

The City Manager announced an adjustment of salaries of city employees on the bi-weekly payroll, which adjustments were made possible through consolidation of positions and economies within departments, and would create no change in the new city budget and the property tax, and that the adjustments would begin August 3, 1962 and be reflected in the pay checks of August 17, 1962.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, August 9, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 9, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, C. E. Morgan, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Petitions signed by many residents in the vicinity of Red Oak Road, Pine Tree Circle, Pine Tree Road and Lakeshore Drive were presented requesting that the area running from Red Oak Road east to and including Pine Tree Circle, and Pine Tree Road and abutting on Lake Shore Drive to the north with particular reference to the property abutting on Reynolds Place be rezoned from RA-8 Residential District to RA-10 Residential District.

Speaking in behalf of the petitions were Mr. Fred Warner and Mr. Fred Pearlman, Jr. Other speakers were Mr. Ernest Simms, Chairman of the Lakeview Park Commission, and Mr. Hal Cory.

The City Manager explained the process necessary to effect an amendment to the zoning ordinance, and suggested that the Planning and Zoning Commission be requested to hold a special meeting to consider this request.

Following the discussion Councilman Morris moved that the petitions be forwarded to the Planning and Zoning Commission for study and recommendation, with the request that the Commission hold a special meeting on this matter, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 460, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1962-63", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 460

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1962-63

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1962 and ending on June 30, 1963, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 320,740.95
Law	23,532.80
Finance	54,228.00
Inspection	93,347.00
Public Safety	1,343,143.22
Libraries	147,337.90
Public Works	1,095,238.13
Parks and Playgrounds	182,176.00
Civil Service	6,479.00
Total General Operating Fund	$3,266,223.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,272,765.35	
		1,272,765.35

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 686,194.00	
Water Refunding Bonds	230,000.00	
Water Bond Issue 1951	193,715.00	
Water Bond Issue 1961	272,540.00	
Airport Bond Issue 1 and 2	123,393.00	
Total Debt Service Fund		1,505,842.00
TOTAL APPROPRIATIONS		$6,044,830.35

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1962 and ending on June 30, 1963 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$ 965,213.00	
Other Revenues as follows:		
License & Privilege Taxes	195,200.00	
Payment in Lieu of Taxes	460,000.00	
Fees	86,900.00	
Parking Meter Fees	78,000.00	
Court Costs	71,000.00	
Rents	71,000.00	
Income from Parks	45,700.00	
Miscellaneous	107,500.00	
Contribution from State Rev. Dept.	70,000.00	
Contribution from State St. Fund	300,000.00	
Contribution from Housing Authority	15,000.00	
Contribution from ABC Stores	540,000.00	
Riverside Cemetery	18,000.00	
Aviation	60,710.00	
Current Year's Poll Tax and Taxes Other than Current Year's Property Tax and Other Than Hereinbefore Itemized	182,000.00	
TOTAL GENERAL OPERATING FUND		$3,266,223.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,272,765.35	1,272,765.35

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 809,587.00	
Water and Other Charges from Water Department	696,255.00	
TOTAL DEBT SERVICE FUND		1,505,842.00
TOTAL ESTIMATED REVENUES		$6,044,830.35

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1962, for the purpose of raising revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.8320
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.6980
Total rate per $100 of valuation of taxable property	$ 1.53

Such rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $116,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 26 day of July, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 9 day of August, 1962, to become effective 9 day of August, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that today is the day set for the public hearing on Ordinance No. 461, entitling "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", and explained the zoning involved.

There being no objection, Ordinance No. 461, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that petitions have been received requesting the paving of Rosemary Road, Hawkins Lane and a Public Alley between Mt. Vernon Place and Lakeshore Drive, and in order to establish a lien on all abutting properties it is necessary to pass a resolution authorizing these improvements.

Councilman Morris then introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Rosemary Road, Hawkins Lane and a Public Alley between Mt. Vernon Place and Lakeshore Drive, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 187.

Mr. James S. Howell, attorney, presented a petition on behalf of forty-three owners of motels, restaurants, filling stations and other businesses operated on Tunnel Road, asking that the Council petition the State Highway Commission to pass an ordinance regulating and setting up a truck route down the river to take trucks away from the Tunnel Road.

Following a discussion, this matter was referred to the City Manager for study and conference with State Highway authorities.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 16, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

Margaret Simmons
CITY CLERK

Thursday, August 23, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 23, 1962, at 4:00 o'clock P. M. with Vice-Mayor Mulvaney presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, Jr., City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from Dan Manufacturing Co., Inc., owner of certain property described in the petition and being part of the property which was conveyed to Sayles Biltmore Bleacheries, Inc. by Sayles Biltmore Bleacheries, Inc. by deed recorded in deed book 828 at page 465 in the office of the Register of Deeds for Buncombe County, requesting that said property be annexed to the City of Asheville.

The City Manager advised that this property consists of some seventy-eight acres, with seventy-nine dwellings and some undeveloped lots, and that there are some matters to be negotiated before formal action can be taken on this matter. The City Manager suggested that this petition be referred to his office for study and report, which was done upon motion of Councilman Sumner, seconded by Councilman Morris, and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property in the Red Oak Road, Pine Tree Circle, Pine Tree Road, and Lakeshore Drive area from RA-8 Residential District to RA-10 Residential District.

August 16, 1962

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a Special Meeting of the Asheville Planning and Zoning Commission held on Tuesday, August 14th, 1962, the following action was taken on the attached letter:

It was moved, seconded , and unanimously passed that the Commission recommend for rezoning from RA-8 to RA-10 Residential District the area described in the attached staff report.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

IT IS THE RECOMMENDATION OF THE PLANNING STAFF THAT THE FOLLOWING DESCRIBED AREA BE REZONED FROM RA-8 RESIDENTIAL AREA TO RA-10 RESIDENTIAL AREA:

BEGINNING at a point on the south margin of Lakeshore Drive, said point being the Northwest corner of Lot 121, Sheet 21, Ward 9, Buncombe County Tax Maps, as now constituted, thence in an easterly direction along the South margin of Lakeshore Drive and with the northern bounds of Lots 121, 122, 123, 124, 125, 126, 127, 18, 18-3/4, 18-1/4; thence along the Southern margin of Lakeshore Drive along with the northern bounds of the following lots as shown on Sheet 23, Ward 9, Lots 232-1/2, 232, 232-1/4, 234, 235, 237-1/4, 237, 238, 3, 410, 409, 408, to the Southeast corner of Lot 408; thence in a westerly direction along the southern line of Lots 408, 396, 3-1/4, 395, to the southeastern corner of Lot 241-1/2; thence in a southerly direction along the eastern bounds of Lots 241-1/2, 241, 242, to the southernmost corner of Lot 242; thence in a westerly direction along the southern bounds of Lots 242, 336, 240-1/4 to the Southwest corner of Lot 240-1/4; thence in a southerly direction along the eastern bounds of Lot 181, Sheet 21, Ward 9, to the Southeast corner of Lot 181; thence in a westerly direction along the southern bounds of Lot 181 to the Northeast corner of Lot 221; thence in a westerly direction with the northern line of Lot 221 to a point where the old city line intersects with the northern line of Lot 221; thence in a northerly direction along the old city line across Lots 351, 220-3/4, 220, 16, 250, 279, 16-3/4, 129, 128, and 121, to the point of BEGINNING.

The above recommendation was accepted by the Council, and Councilman Algary moved that the Corporation Counsel be instructed to prepare an ordinance complying with said recommendation of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing to be held on September 13, 1962, which motion was seconded by Councilman Morris and unanimously adopted.

Mr. Fred Warner requested information as to whether or not charter requirements would be suspended and the proposed ordinance passed on its three readings on the same day.

The City Manager advised that in order to meet legal requirements it is necessary to publish notice of a change of zoning fifteen days before the date set for a public hearing on the proposed change, and that the question of suspending charter requirements would be considered at the time the ordinance was presented for its first reading.

Mr. and Mrs. Fred Warner discussed the issuance of the building permit which was issued for the construction of a 51-unit apartment building at 312 Lakeshore Drive, and expressed the opinion that the permit did not meet the requirements of RA-8 zoning and should be revoked.

Mr. Harold Bennett and Mr. James Howell, attorneys for the Lakeshore group, asked the Council to suspend the building permit pending the September 13th public hearing, and announced that court action would be undertaken to enjoin the sponsors of the apartment house if the permit was not revoked.

The Corporation Counsel advised that he would be glad to meet with Mr. Bennett and Mr. Howell and go over this matter, but that he was not prepared to render a legal opinion at this time.

Ordinance No. 461, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"

The City Manager advised that petitions have been received for the paving of Cummings Road and Cypress Drive, and in order to establish a lien on all abutting properties it is necessary to pass a resolu-

Whereupon, Councilman Morris introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Cummings Road and Cypress Drive, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 188.

The City Manager advised that the term of Roy Booth as a member of the Redevelopment Commission of the City of Asheville expired on August 21, 1962.

Whereupon, Councilman Morgan introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 189.

The City Manager presented a progress report on the proposed golf course to be developed on a 180 acre tract owned by the city on the west bank of the French Broad River, advising that plans for the par-72,6,300 yard golf course have been drawn without cost to the city by William C. Byrd and Associates of Atlanta, an experienced firm in the field. The City Manager advised that with a two year construction plan the course could get under way without any capital cost to the city, timber removal paying for the approximate cost of construction of greens. As plans develop the Council will be advised.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR Frank Mulvaney

Margaret Lunsford
CITY CLERK

Thursday, August 30, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 30, 1962, at 4:00 o'clock P. M. with Vice-Mayor Mulvaney presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, Ralph D. Morris, Sr., City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved

A letter was received from Thomas A. Croce, Jr. requesting that his lot at the Southwest corner of Lakeshore Drive and Pine Tree Road to remain zoned RA-8.

The City Manager advised that if this property is included in the proposed rezoning in this area deletion could be considered, and suggested the request be referred to the Planning and Zoning Commission.

Following a discussion, this request was referred to the Planning and Zoning Commission for study and recommendation, report to be returned to the Council prior to the date set for the public hearing, September 13th.

Ordinance No. 461, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 461

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned RA-8 Residential District:

Located in Hazel Ward, Buncombe County, North Carolina, and being all of lots together with the street areas adjacent thereto as shown on a Plat of Richmond Hill Park - Section 4, dated January 1962 prepared by Hollowell and Associates, Inc., Engineers and surveyors, Greensboro, North Carolina, which said plat is recorded in the Office of the Register of Deeds for Buncombe County, N. C., in Plat Book 32, at page 58, excepting Lot No. 1 as shown on said plat and a small portion of Lot no. 2, and more particularly described as follows:

BEGINNING at a stake in the West margin of Richmond Hill Drive at the Northeast corner of Lot No. 10 as shown on a Plat recorded in said Register's Office in Plat Book 29, at page 52 (said Lot No. 10 being also Lot No. 49 as shown on a plat recorded in said Register's Office in Plat Book 28 at page 92), said beginning point being also the extreme northeast corner of the first tract described in a deed from James Thomas Pearson and wife Marjorie Noel Pearson dated May 24, 1955 and recorded in said Register's Office in Deed Book 759, at page 109; said beginning point being also the beginning points in that property described in ordinance no. 387, being an ordinance extending the corporate limits of the City of Asheville by annexing certain property passed by the City Council of the City of Asheville at its regular meeting held on May 24, 1956, and runs thence South 75 deg. 0' West 150 feet to a stake; running thence along the west line of Lot No. 2 of said plat North 12 deg. 59' West 92 feet to a stake; thence crossing a 50 foot street and running along the Westerly lines of Lots Nos. 3 through 17 the following courses and distances: North 02 deg. 05' East 169.07 feet, the common west corner of Lots 3 and 4 of said plat; thence North 17 deg. 26' East 413 feet to a stake, common west corner of Lots 8 and 9 of said plat; thence North 05 deg. 43' East 198.76 feet to a stake, the common west corner of Lots 11 and 12 of said Plat; thence North 39 deg. 33' West 92.78 feet to a stake; thence North 63 deg. 01' West 245.21 feet to a stake; thence North 14' West 104.24 feet to a stake; the westernmost corner of Lot No. 17 of said plat; thence along the South lines of Lots 18 through 22 of said plat the following two courses and distances: North 86 deg. 53' West 271.92 feet to a stake and North 68 deg. 47' West 167.68 feet to a stake, the westernmost corner of Lot 22 of said plat; thence along the west line of said Lot 22 North 23 deg. 52' East 186.30 feet to a stake; thence crossing Richmond Hill Drive North 25 deg. 10' West 66.24 feet to a stake in the westernmost corner of Lot 23 of said plat; thence along the west and northwest lines of Lots 23 through 30 of said plat the following courses and distances: North 12 deg. 21' East 237 feet to a stake; North 26 deg. 51' East 185 feet to a stake; North 43 deg. 47' East 100.5 feet to a stake; North 45 deg. 29' East 100 feet to a stake; and North 68 deg. 51' East 120 feet to a stake, northeast corner of Lot No. 30 of said plat; thence along the east line of said Lot No. 30 and beyond crossing other street South 21 deg. 09' East 200 feet to a stake at the northeast corner of Lot 31 of said plat; thence along the east line of Lot No. 31 South 24 deg. 49' East 149.24 feet to a stake in the northwest line of Lot 42 of said plat; thence continuing along the north and east lines of Lots 42 and 59 of said Plat the following courses and distances: North 42 deg. 04' East 52.09 feet; North 76 deg. 37' East 140 feet; South 61 deg. 53' East 150 feet; South 18 deg. 50' East 144.27 feet; South 24 deg. 01' West 135.39 feet; South 46 deg. 44' West 73 feet; South 24 deg. 07' West 133.64 feet to a stake in the northeast line of Lot No. 51 of said plat; thence South 65 deg. 26' East 150.04 feet more or less to a stake at the Northeast corner of Lot no. 52 of said plat; thence crossing another street South 34 deg. 09' East 61.81 feet to a stake at the northernmost corner of Lot 53; thence continuing along the East line of Lots 53 through 59 South 65 deg. 04' East 124 feet to a stake; South 23 deg. 53' East 198 feet to a stake; thence South 0 deg. 22' West 414.04 feet to a stake at the Southeast corner of Lot 59 of said plat; thence along the southern line of said Lot 59 two courses and distances as follows: South 89 deg. 58' West 94 feet to a stake and North 89 deg. 19' West 107.7 feet to a stake at the Southwest corner of said Lot No. 59 and in the east line of Richmond Hill Drive; thence along the east line of said Richmond Hill Drive North 17 deg. 26' West 244.44 feet to a stake; thence continuing along the East margin of said Richmond Hill Drive in a southerly direction as said margin of said Drive curves easterly on a radius of 443.6 feet, an arc distance of 235.48 feet to a stake; thence continuing with said east margin of Richmond Hill Drive South 12 deg. 59' East 50 feet more or less to a point in the line of the present City limits of the City of Asheville and at a point which is located North 75 deg. 0' East 50 feet from the northeast corner of Lot No. 10 as shown on a plat recorded in said Register's office in Plat Book 29, at page 52; thence South 75 deg. 0' West 50 feet to the point of BEGINNING.

(2) That the following described property be rezoned from RA-6 Residential District to Industrial District:

Beginning at a point at the Southeast corner of Lot 120, Sheet 20, Ward 8 of the Buncombe County Tax Maps, as constituted, said point being on the margin of the Old Black Mountain Highway; thence along the Northern margin of the Old Black Mountain Highway in a Westerly direction along the Southern line of Lots 120, 119½, 119, 118, and 116, to a point on the Southern line of Lot 116, which is the point where the said Southern line intersects with the 1929 City Limit line; thence in a northerly direction, along the 1929 City boundary, through and across Lots 116, 117 to a point on the Northern line of Lot 117; thence in an Easterly direction across the Northern bounds of Lots 118, 119, 119½, 120, across an unnamed street, 121, 122, 123, 124, 125, 112½ to the Northeast corner of Lot 112½; thence in a Northerly direction along the western bounds of Lot 111-3/4 to the Northwest corner of Lot 111-3/4; thence in an Easterly direction to the Northeast corner of Lot 111-3/4; thence in a Northerly direction along the Eastern line of Lots 111-3/4 and 111½ to a point on the Northern margin of the Old Black Mountain Highway; thence in a Westerly direction along the Southern line of Lots 111½, 112½, 125, 124, 123, 122, 121, and across an unnamed street to the Southeast corner of Lot 120, being the point of Beginning.

(3) That the following described property be rezoned from RA-5 Residential to Industrial District:

Lots 10, 11, and 12, Ward 6, Sheet 4

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 9 day of August, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 30 day of August, 1962, to become effective 14 day of September, 1962.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

The City Manager advised that a petition had been received requesting the city to close and abandon a section of Pershing Road abutting Lots 3, 4, 5, 6, 77, 78 and 79 of Sheet 12, Ward 8, due to said road having been relocated.

Following a discussion, Councilman Morris introduced a resolution providing for a public hearing on a petition to close a section of Pershing Road abutting Lots 3, 4, 5, 6, 77, 78 and 79 of Sheet 12, Ward 8 in the City of Asheville, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 190.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

VICE-MAYOR
Frank Mulvaney

Thursday, September 6, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 6, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the property of Thomas A. Groce, Jr. at the southwest corner of Lakeshore Drive and Pine Tree Road be included in the proposed change to RA-10 zoning.

September 5, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that no change be made in the previous recommendation to City Council as to amending Ordinance 322, dated August 16, 1962.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

This recommendation was accepted by the Council.

A petition signed by eighteen property owners was presented requesting that Shorewood Drive and Lakeshore Drive in the subdivision known as Lakeview Estates, including two additional undeveloped lots which face on Lakeshore Drive directly adjoining to the west of the boundary of this subdivision, be rezoned RA-10, with the further request that no more building permits be issued in this section of the City of Asheville until after final action has been taken regarding rezoning of this property.

Dr. F. Stewart Chapin spoke in behalf of this request.

The City Manager explained the provisions of the zoning ordinance in regard to non-conforming uses.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was presented by Bruce J. Brown, attorney, requesting that the property on the southern side of Beaver Lake, beginning on the Eastern margin of Glenfalls Road, where it is adjacent to the southwestern point of Beaver Lake and runs with the eastern margin of Glenfalls Road to where it intersects with the northern margin of Lakeshore Drive, thence with the northern edge of Lakeshore Drive in an easterly direction to Edgewater Lane, and thence with Edgewater Lane and the southern side of Beaver Lake to the point of beginning be rezoned RA-10.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A request was received from Miss Julia E. Morgan and J. C. Harrison that their property on Patton

Avenue between Druid Drive and the County Home Road be zoned Neighborhood Trading at least or business if possible.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Asheville Board of Realtors requesting the City Council to review the zoning system and make necessary recommendations to the Planning Board to bring zoning up to date.

Members of the Council expressed the opinion that zoning is up to date, the ordinance having been kept modern by requests of different property owners for amendments as conditions changed.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that in connection with a rezoning request by residents of the Howland Road area certain recommendations regarding density of apartment units were made by the Planning and Zoning Commission, and that it is his understanding that the Council feels this is too great a demand, the recommendation proposing that the minimum building site area for apartment houses be increased from 500 to 4,000 square feet for each apartment or living unit in excess of one in RA-8 zoned areas, from 500 to 3,000 square feet in RA-8 zoned areas, and from 500 to 2,500 square feet in RA-5 zoned areas.

The City Manager further stated that it was his understanding that the Council recommends that the minimum building site area be increased from 500 to 2,000 square feet in each of the three zoning classifications, and with the consent of the Council he would forward this recommendation to the Planning and Zoning Commission and ask them to reconsider this point.

The City Manager reported that summer revenues from Recreation Park had increased approximately fifteen per cent over last year.

There being no further business, the meeting was upon motion adjourned.

Ed Eller
MAYOR

Margaret [illegible]
CITY

Thursday, September 13, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 13, 1962, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, Ralph D. Morris, Sr., F. M. Mulvaney, C. E. Morgan, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT REQUESTED - CREATION OF NEW

A petition was received from property owners in the Cambridge Road and Horizon Hill area requesting that the zoning ordinance be amended to create two new zoning categories, the primary effect of which would be limitation of construction to single family and two-family dwellings.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The Mayor announced that today is the date set for the public hearing on the rezoning of the Red Oak Road, Pine Tree Circle, Pine Tree Road and Lakeshore Drive area from RA-8 to RA-10 Residential District and the rezoning of certain lots on Patton Avenue from Residential District to Neighborhood Trading Area.

There was no objection to said rezoning, but Mr. Fred Warner renewed his request that the ordinance be passed on three readings today.

Upon motion of Councilman Mulvaney, seconded by Councilman Morgan, Ordinance No. 462, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney moved that the charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morris and unanimously adopted.

Whereupon Ordinance No. 462, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE

ING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

[illegible] AS "AN ORDINANCE PROVIDING FOR [illegible] ASHEVILLE".

Ordinance No. 462, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 462

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-8 to RA-10 Residential District:

BEGINNING at a point on the south margin of Lakeshore Drive, said point being the Northwest corner of Lot 121, Sheet 11, Ward 9, Buncombe County Tax Maps, as now constituted, thence in an easterly direction along the South margin of Lakeshore Drive and with the northern bounds of Lots 121, 122, 123, 124, 125, 126, 127, 18, 18-3/4, 18-1/4; thence along the Southern margin of Lakeshore Drive along with the northern bounds of the following lots as shown on Sheet 11, Ward 9, Lots 232-1/2, 232, 232-1/4, 234, 235, 237-1/4, 237, 238, 3, 410, 409, 408, to the Southeast corner of Lot 408; thence in a westerly direction along the southern line of Lots 408, 396, 3-1/4, 395, to the southeastern corner of Lot 241-1/2; thence in a southerly direction along the eastern bounds of Lots 241-1/2, 241, 242, to the southernmost corner of Lot 242; thence in a westerly direction along the southern bounds of Lots 242, 336, 240-1/4 to the Southwest corner of Lot 240-1/4; thence in a southerly direction along the eastern bounds of Lot 181, Sheet 11, Ward 9, to the Southeast corner of Lot 181; thence in a westerly direction along the southern bounds of Lot 181 to the Northeast corner of Lot 221; thence in a westerly direction with the northern line of Lot 221 to a point where the old city line intersects with the northern line of Lot 221; thence in a northerly direction along the old city line across Lots 351, 220-3/4, 220, 16, 250, 279, 16-3/4, 129, 128, and 121, to the point of BEGINNING.

(2) That the following described property be rezoned from Residential District to Neighborhoood Trading Area:

BEGINNING at a common point at the intersection of Parkwood Road and Patton Avenue, thence in a southernly direction along the edge of Parkwood Road 475 feet to a point; thence in an easterly direction through Lot 12-1/2 to the southeastern corner of Lot 65; thence in a northerly direction along the eastern bounds of Lots 65, 65-1/2, and through Lot 130 to a point which is 250' from Patton Avenue, said point being the existing Neighborhood Trading Area boundary; thence in a westerly direction with the Neighborhood Trading Area bounds to the point of BEGINNING. All lots referred to are shown on the Buncombe County Tax Map, as now constituted, Ward 6, Sheet 14.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 13 day of September, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 13 day of September, 1962, to become effective 28 day of September, 1962.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Following the passage of the ordinance Mr. and Mrs. Fred Warner renewed their request that the building permit for the erection of an apartment house at 312 Lakeshore Drive be rescinded, stating that the project is actually intended to be a motel, and raising the question of adequate sewage facilities and traffic hazards. Other speakers were Mr. Evans Baxter, and Mr. Traynham Houston.

The City Manager reported on the petition of Dan Manufacturing Co., Inc. that the city annex Sayles Biltmore Village, and advised that engineering estimates indicate that necessary improvements, including construction of a new bridge over the Swannanoa River downstream from the privately owned Sayles Biltmore bridge, will total $56,495, and under the formula used in participating in subdivision developments the city will meet $10,250 of the improvement costs, leaving $46,245 as the net cost to Dan Manufacturing Co., which the company has agreed to place in escrow, the escrow agreement including an understanding that any financial aid received by the city from the state for bridge construction will be credited to the Dan Manufacturing Co.

Following a discussion, Councilman McRary introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Dan Manufacturing Co., Inc., which was, upon motion of Councilman McRary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 191.

Councilman Morris introduced a resolution setting date of public hearing that Council will consider extension of corporate limits of City of Asheville to include property of Abraham Radin, trading and doing business as Radson Properties, which was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 192.

The City Manager advised that a request had been made that the city formally accept the dedication of Brown Avenue and Spring Cove Road on property which was annexed under the City Extension effective January 1, 1960.

Whereupon, Councilman Mulvaney introduced a resolution accepting dedication of Brown Avenue and Spring Cove Road, as shown on plat recorded in office of Register of Deeds for Buncombe County in Plat Book 4 at page 15, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, adopted with Councilman Sumner abstaining from voting.

Complete copy of resolution will be found in Resolution Book 4 at page 193.

The City Manager reported that he had conferred with bond attorneys and the Local Government Commission on the proposed $2,500,000 bond issue for Urban Redevelopment, interstate connectors and sub-fire stations, and it has been determined that the city will need special legislation to set up these bond issues because of debt limitations, and that no further action can be taken until the General Assembly starts its session next February.

The City Manager advised he will report the bond election situation to the Redevelopment Commission.

The City Manager presented the Audit Report for the city for the period ending June 30, 1962.

The City Manager presented the audit report of the City of Asheville Board of Alcoholic Control for the period ending June 30, 1962.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1962.

The City Manager reported that there had been considerable interest shown in the operation of the off-street parking lot on Rankin Avenue, and that revenues received from said lot were encouraging.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 20, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 20, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, Ralph D. Morris, Sr., J. W. McRary, T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by fifteen property owners was received requesting that their names be withdrawn from a petition dated August 27th in which they asked for rezoning of property known as Lakeview Estates, and two adjoining lots to Lakeview Estates, all of which face on Lakeshore Drive or Shorewood Drive.

Upon motion of Councilman McRary, seconded by Councilman Morgan, and unanimously adopted this petition was referred to the Planning and Zoning Commission as information in connection with the pending petition.

Councilman Mulvaney introduced a resolution authorizing Chief of Police or Sergeant of Police to sign and issue warrants, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 194.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Richard B. Loughran and Frank Loughran, Jr., as Trustees under the Will of Frank Loughran for operating off-street parking facility by city, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 195.
Copy of lease will be found attached to original resolution.

Councilman McRary asked for information on who is responsible for the presence of pedestrians on the Crosstown Expressway, stating that the practice is very dangerous.

The City Manager advised that the expressway has no provision for pedestrians, but that he would take up the matter of posting the expressway against pedestrian use with state authorities.

Councilman McRary also discussed the matter of lights on the expressway, and the City Manager advised that the state contract for installing these lights is expected to be let shortly.

Councilman Morris brought up the question of the new golf course, and the City Manager advised that surveying of the course boundaries is now under way. The City Manager further advised that it now appears that this project qualifies for federal aid under the $900,000,000 public works program recently authorized by Congress, which program, aimed at rapid creation of jobs, provides 50 per cent federal participation for public works projects which can be started within four months and completed within a year of initiation.

The City Manager further advised that it is also believed that the city's proposed new fire substations and community centers for Oakley and Haw Creek-Beverly Hills qualify for federal aid under this public works program.

The City Manager advised that David Matthews Bryan, a graduate of Auburn University now employed by TVA as a forestry aide, has been employed by the city as forester to supervise the timbering operations on the 20,000 acre North Fork Watershed, and that Bryan will report for duty October 1st.

The City Manager further advised that the timber will be laid off in units of three to four million board feet each, with one unit to be cut at a time, and it is estimated it will take ten years to complete the first timber harvest on the entire watershed, and that Bryan's first duty will be to establish specifications for sale of timber under contract to be let in competitive bidding.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 27, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 27, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, Sr., J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition signed by twenty-three persons was received requesting the razing of a building at 200 Hazwood Street said by petitioners to be a fire and sanitary hazard.

The City Manager advised that the building has already been condemned and steps are being taken to raze it.

The Council referred the request to the City Manager for any further action.

A communication was received from the Commissioners of Lake View Park, accompanied by petitions signed by some 270 property owners, requesting that the entire subdivision of Lake View Park be rezoned from RA- to RA-10 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that today is the date set for the public hearing on extending the corporate limits of the City of Asheville to include certain property on Sweeten Creek Road as requested by Radson Properties.

There being no objection to said annexation, Councilman McRary introduced Ordinance No. 463 being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary Voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on extending the corporate limits of the City of Asheville to include Sayles Biltmore Village tract as requested by Dan Manufacturing Co., Inc., and that an escrow agreement covering necessary improvements is being prepared and will be presented to the Council before the final reading of the ordinance.

There being no objection to said annexation, Councilman Morris introduced Ordinance No. 464 being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the question of closing a portion of Pershing Road abutting Lots 3, 4, 5, 6, 77, 78 and 79, Sheet 12, Ward 8, as requested by the property owners involved.

There being no objection to the closing of said section of Pershing Road, Councilman Sumner introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a section of Pershing Road abutting Lots 3, 4, 5, 6, 77, 78 and 79 of Sheet 12, Ward 8 in the City of Asheville, which was upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 196.

The City Manager advised Lot 96, Sheet 14, Ward 6, property on Druid Drive on which an offer to purchase had been received, was sold at public auction; that said property was bid in by W. C. Breazeale for $270; that within ten days after said sale a raised bid of $297.00 was received, and said property was readvertised; and that at the second sale of this property a bid of $297.00 was made by R. L. Coleman & Company Agent.

Whereupon Councilman Mulvaney introduced a resolution directing Mayor to execute deed to R. L. Coleman & Company, agent, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 197.
Copy of deed will be found attached to original resolution.

The City Manager advised under special legislative act the Council is authorized to fix taxicab rates in the city, but that the Council has never fixed such rates, taking the position that as long as the taxicab companies agreed on the rates between themselves the city would not exercise this authority. The City Manager further advised that he has received notice of the intention of said taxicab companies to increase rates beginning October 1, 1962.

The Council discussed this matter at length, Councilman Morris initiating a proposal for a switch from zone to metered rates, and other Councilmen stressed the point that in the zone system a ride which originates near a zone boundary can draw the higher zone rate after a comparatively short ride. Councilman Sumner suggested that the City Manager check with other cities of comparable size as to taxicab rates. Councilman Sumner suggested that taxicab companies should be notified of a set time in which to have the meters installed, and that the city expects to have a hand in setting rates.

The City Manager suggested that June 1, 1963 be set as the date within which meters are to be installed, this being the date of expiration of privilege licenses under which taxicabs are operating.

Following the discussion, the Council elected under authority granted it by the 1939 General Assembly to regulate taxicab fares in the City of Asheville by requiring all operators of cabs in the City of Asheville to install taxicab meters by June 1, 1963, and the City Manager was directed to make an investigation of other cities in this area to determine the rate structure for the metered system.

The proposed rate increase was received as information by the Council.

The City Manager distributed a quick reference timetable prepared by Piedmont Airlines, and advised that emplaning of passengers at the Airport continues to increase.

Mayor Eller stressed the need of retaining trunk line service, and the City Manager advised that the Chamber of Commerce is very active on this subject.

The City Manager distributed copies of the Annual Report of Pack Memorial Public Library for the year 1961-62.

The City Manager distributed copies of the 1962 Annual Report of the Redevelopment Commission of the City of Asheville.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 4, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, October 11, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 11, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, Ralph D. Morris, Sr., T. B. Sumner, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 103, 104 and 105, Ward 6, Sheet 14, which was accepted as information by the Council.

October 3, 1962

Honorable Mayor &
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a meeting of the City of Asheville Planning and Zoning Commission held Wednesday, October 3, 1962, the following action was taken:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 103, 104, and 105, Ward 6, Sheet 14 remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Ordinance No. 463, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY

ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman Morris voted "aye" — Councilman Morgan voted "aye"
Councilman Sumner voted "aye" — Mayor Eller voted "aye"

Ordinance No. 464, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman Morris voted "aye" — Councilman Morgan voted "aye"
Councilman Sumner voted "aye" — Mayor Eller voted "aye"

Councilman Morgan introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 198.

The Council discussed public criticism of the continuing vacancy in the position of Director of Public Safety.

The City Manager advised that there were eleven fatalities within the city during the first [illegible] and a half months of this year, and three during the second four and a half months, and that there has been no let-up in the city's effort to curb accidents. The City Manager further advised that in order to have clear authority and supervision under responsible captains the traffic squad was tied in with the regular police [illegible] September 1st, that under this setup the same number of men are assigned to traffic duty as formerly, and that fatalities are being analyzed individually in an attempt to uncover causes for the increased death rate this [illegible] The City Manager further advised that he saw no relation between Asheville's higher traffic death count this [illegible] and administrative changes affecting the Police Department.

Councilman Morris called attention to numerous traffic violations in a "no passing" pavement [illegible] strip where traffic lanes converge for the eastbound entrance to Beaucatcher Tunnel, and the City Manager advised this matter has been taken up with State Highway Commission officials, and consideration is being given to [illegible] ing the painted strip on the pavement with raised curbing.

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY CLERK

Thursday, October 18, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 18, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, Sr., T. B. Sumner, and City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by all abutting property owners was presented, requesting that Ridgeway [illegible] be closed as a public street.

The City Manager advised that Ridgeway Drive was an unopened street lying north of Highway [illegible] 70 between Arco Road and Governor's View Road, and that the procedure would be to advertise a date for a public hearing on this matter.

Whereupon Councilman Mulvaney introduced a resolution providing for a public hearing on a petition to close Ridgeway Drive as shown in Plat Book 4 at page 114 in the office of the Register of Deeds for Buncombe County, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 199.

Ordinance No. 463, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY," was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Mulvaney voted "aye" — Morgan voted "aye"
Morris voted "aye" — Mayor Eller voted "aye"
Sumner voted "aye"

ORDINANCE NO. 463

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 27th day of September, 1962 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of G.S. Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Section 169-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

Located in Buncombe County, North Carooina. BEGINNING at a point in the Northern line of Tract "A" as shown on plat of Carter & Bearden, Engineers, dated May 2, 1962, which is recorded in the office of Register of Deeds for Buncombe County, North Carolina, in Plat Book 32 at page 37, which said point being distant South 47 deg. 30' West 111.42 feet from a concrete monument marked "X" on said plat and runs thence South 47 deg. 30' West 118.58 feet to a stake in the Northernmost corner of Tract "B" as shown on said plat; thence with the line dividing Tracts "A", "B" and "D" as shown on said plat South 42 deg. 30' East 720 feet to a concrete monument a common corner of Tracts "A" and "D" as shown on said plat; thence with the Southern line of Tract "A" North 47 deg. 30' East 271.31 feet to a point in the Southern line of said Tract "A"; thence with the line designated on said plat as "Asheville City Limit Line" North 53 deg. 55' West 609.66 feet to a stake; thence North 56 deg. 11' West 86 feet and North 59 deg. 13' West 40.55 feet to the place of BEGINNING.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days from date of passage.

I move the adoption of the foregoing ordinance, this 27th day of September, 1962.

J. W. McRary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 18 day of October, 1962, to become effective 2nd day of November, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 464, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Morris voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 464

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 27th day of September, 1962 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it

should adopt an ordinance extending the corporate limits of the city of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Section 169-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

located in Buncombe County, North Carolina.
BEGINNING at a stake in the northern bank of the Swannanoa River, at the northwest corner of the First Tract described in a deed from Sayles Biltmore Bleacheries, Inc., a Virginia corporation, to Sayles Biltmore Bleacheries, Inc. a Delaware corporation, dated July 30, 1962 and recorded in the Buncombe County, N. C. Register's Office on July 30, 1962, and runs thence with the northern bank of said River, South 64 deg. West 73 feet to a stake at the northeast corner of the Second Tract described in said deed; thence crossing said River, South 9 deg. 25' East 1712.9 feet to a concrete monument near the South bank thereof; thence South 9 deg. 25' East 1712.9 feet to a concrete monument; thence South 4 deg. 30' West 1687.8 feet to a concrete monument; thence South 84 deg. 10' East 164 feet to a concrete monument; thence South 87 deg. 25' East 118.5 feet to a concrete monument, formerly a White Oak; thence South 10 deg. 25' East 160.4 feet to a concrete monument in the northern margin of the right of way of the Southern Railway; and runs with said right of way, the following five courses and distances: South 76 deg. 44' East 393.55 feet to a stake; South 81 deg. 59' East 230 feet to a stake; South 85 deg. 59' East 144.16 feet to a stake; South 88 deg. 20' East 405.68 feet to a stake; and South 83 deg. 36' East 179.44 feet to a stake; thence with the western line of the above referred to First Tract, parallel to and 20 feet distant from the Industrial spur track located over said First Tract, the following courses and distances: North 40 deg. 42' West 50 feet; North 35 deg. 15' West 50 feet; North 31 deg. 48' West 50 feet; North 26 deg. 11' West 50 feet; North 21 deg. 23' West 50 feet; North 18 deg. West 50 feet; North 11 deg. 53' West 50 feet; North 6 deg. 39' West 50 feet; North 0 deg. 30' West 50 feet; North 3 deg. 17' East 50 feet; North 5 deg. 37' East 78.35 feet; North 6 deg. East 250 feet; North 5 deg. 38' East 70 feet; North 3 deg. 22' East 50 feet; North 0 deg. 58' East 50 feet; North 1 deg. 45' West 95 feet; North 3 deg. 07' West 640.80 feet; North 6 deg. 03' West 61.73 feet; North 8 deg. 30' West 140 feet; North 9 deg. 57' West 112.68 feet; North 7 deg. 51' West 60.69 feet; North 4 deg. 01' West 61.02 feet; North 1 deg. 58' West 19.33 feet to a stake; thence South 70 deg. 03' West 306.16 feet to a stake; thence North 19 deg. 06' West 75 feet to a stake; thence North 27 deg. 55' West 239.22 feet to a stake; thence South 62 deg. 05' West 110.81 feet to a stake; thence North 51 deg. 11' West 187.29 feet to a stake; thence North 30 deg. 23' West 134.45 feet to a stake; thence South 76 deg. 13' West 161.34 feet to a stake; thence North 75 deg. 54' West 44 feet to a stake; thence with the Northwesternmost line of the above referred to First Tract, North 9 deg. 25' East 1414.2 feet, crossing the Swannanoa River, to the place of BEGINNING. Being part of the property which was conveyed to Sayles Biltmore Bleacheries, Inc., a Virginia corporation, by Sayles Biltmore Bleacheries, Inc., a Rhode Island corporation, by deed dated May 9, 1960 and recorded in the Buncombe County, N. C. Register's office in Deed Book 828, at page 465.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective January 1, 1963.

I move the adoption of the foregoing ordinance, this 27 day of September, 1962.

Ralph D. Morris
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 18 day of October, 1962, to become effective January 1, 1963.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that this ordinance did not become effective until January 1, 1963, and that the escrow agreement will come back before the Council before that time.

The City Manager advised concerning agreement with State Highway Commission for development of surplus expressway property that the City had submitted to the Commission a proposal to widen Cherry Street, but the Commission suggested that a parking lot might be a more satisfactory arrangement and had prepared an instrument permitting the city to develop an off-street parking lot along Cherry Street between Flint and Elizabeth Place to provide for forty-one parking spaces.

Following a discussion, Councilman Morgan introduced a resolution authorizing Mayor to execute Amendment to Agreement with State Highway Commission relating to encroachments upon right of way for Asheville Expressway, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 200.
Complete copy of Amendment will be found attached to original resolution.

Councilman Morris advised he has received numerous complaints that drivers are ignoring the stop signals of uniformed women crossing guards given to permit school children to cross streets, and also called attention to the many rear-end collisions at stop lights on Tunnel Road, and asked that "traffic signal ahead" signs be put up at approaches to stop lights.

Councilman Sumner called attention to the fact that pedestrian right of way is being ignored by drivers at crosswalks in the downtown business district.

The City Manager promised that additional enforcement measures will be taken in regard to these matters.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, October 25, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 25, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, Ralph D. Morris, Sr., C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was presented by James R. L. Davis, owner of a tract of land described in deed book 753 page 90 on Dunkirk Road, requesting that the zoning of this tract be changed from industrial to residential district.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that negotiations have been worked out for an off-street parking lot on the south side of Haywood Street just west of the Montford Avenue intersection, which lot will park 50 cars and will be operated on a monthly rental basis following demolition of the building now on the lot.

Following a discussion, Councilman Mulvaney introduced a resolution authorizing Mayor to execute lease with William J. Beakley for operating off-street parking facility by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 201.
Lease will be found attached to resolution.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, November 1, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 1, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from Boyce L. Brannon requesting that his property on Vanderbilt Road be released by the City of Asheville for annexation by the Town of Biltmore Forest.

The City Manager explained that Brannon and two adjoining persons own property which is partly in Asheville and partly in Biltmore Forest and want complete incorporation of their properties in Biltmore Forest, and suggested that this matter be referred to the Corporation Counsel.

The Council referred the request to the corporation for a report on legal aspects of the matter.

A letter was received from Edwin S. Hartshorn, representing the Mark Reed Estate, requesting that a portion of Lot 200, Sheet 16, Ward 18 owned by this Estate be rezoned to permit the use of this property for a service station.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that the escrow agreement with Dan Manufacturing Co., Inc. had been prepared and the money deposited in connection with the annexation of the Sayles Biltmore Bleacheries Village property.

Councilman Algary introduced a resolution ratifying the action of the Mayor and City Clerk in executing escrow agreement with Dan Manufacturing Co., Inc. in connection with various work to be performed on recently annexed property, which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 202.
Copy of escrow agreement will be found attached to Original Resolution.

The City Manager explained that William T. Fitts has requested the Council to withdraw its approval of plat entitled "Section 1 of High Oaks", it having been found impossible to connect with a public street or road as originally expected, and Mr. Fitts wished to withdraw the property from subdivision classification.

Following a discussion, Councilman Morgan introduced a resolution approving withdrawal of plat entitled "Section 1 of High Oaks", property of William T. Fitts, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 203.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 8, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 8, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. McNary, Ralph D. Morris, Sr., City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission in regard to the request for new residential districts recommending that the change of Front Yard Requirement of RA-10 Residential District from forty feet to thirty-five feet would most nearly meet requirements of petitioners.

November 7, 1962

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission in considering the request for new residential districts in the City of Asheville recommends that the following change will most nearly meet the requirements of the Petitioners: The Front Yard Requirement of RA-10 Residential District be changed from 40' to 35'.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

ARmr
Encl.
BM AS - N 15.25

A communication was received from the Planning and Zoning Commission recommending that the following be rezoned from Industrial to RA-6 Residential: Area owned by James R. L. Davis lying south and east of Dunkirk Road to beginning at a hub at the eastern corner of tax lot 28, Ward 8, Sheet 4 and following a line 150' S 2 deg. 37 min. W to a hub; thence 282.1' S 0 deg. 57 min. W to a hub marking the southeast corner of property being described; thence a line 188.5' N 78 deg. 26 min. W to a corner; thence a line 142.7 N 30 deg. 35 min. W to a corner; thence a line 105.4' S 61 deg. W to a corner; thence a line 86' S 3 deg. 32 min. W to a hub; thence 85.1' S 4 deg. 32 min. W to a corner; thence 143.6' S 82 deg. 25 min. W to a hub; thence 99.6' S 78 deg. 15 min. W to a hub; thence 56.5' S 59 deg. 14 min. W to a hub; thence 101.5' S 66 deg. 16 min. W to a hub thence 150.2' S 72 deg. 52 min. W to a pipe marking the southwest corner of said property; thence a line 257' N 16 deg. 27 min. W to a hub marking the northwest corner of said property, also being the southwest corner of tax lot 105, Ward 8, Sheet 2; thence following a line in an easterly direction for 872.8' which is the southern boundary of Tax lots 105, 106, 107, and 108, Ward 8, Sheet 2, and Lots 23 - 28 inclusive back to the beginning, being the northern portion of lot 16, Ward 8, Sheet 2.

November 7, 1962

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that all that portion of Lot 200, Sheet 18, Ward 8, lying southwest of the west margin of U. S. Highway 74 and that portion of said Lot 200 lying within 300 feet of the east margin of U. S. Highway 74 be rezoned from Residential to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

ARmr
Encl.
BM AS - N 15.25

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

A communication was received from the Planning and Zoning Commission recommending that the recently annexed property of Abraham Radin be zoned Industrial District.

November 7, 1962

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that the recently annexed property of Abraham Radin, being Lots 211, 212, 213, Ward 7, Sheet 15, be zoned Industrial District. This property was annexed by City Ordinance No. 463, effective November 2, 1962

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

ARmr
BM AS - N 15.25

PLANNING AND ZONING COMMISSION

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property on Sheets 23, 42, and 27, Ward 9 from RA-8 to RA-10 Residential District.

November 7, 1962

Honorable Mayor and
Members of City Council
City Hall,
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letters.

It was moved, seconded, and unanimously passed that the Commission recommend that the area be rezoned as follows:

1. Ward 9, Sheet 23: All areas within the City of Asheville be zoned RA-10 except those areas presently zoned RA-6 Residential District and Neighborhood Trading Area, and excepting the following lots: 2, 363-368, inclusive, 370, 371, 376-1/2, 376, 377-1/4, 377, 379, 380, 382-389, inclusive.

2. Ward 9, Sheet 42: All areas presently zoned RA-8 be rezoned to RA-10

3. Ward 9, Sheet 27: All areas east of the 1929 City Limits line which are presently zoned RA-8 Residential District be rezoned to RA-10 Residential

District

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Mayor
Encl:
ZC AS - 3 15.25

An application was received from the Planning and Zoning Commission recommending 2,500 square feet of land area for each dwelling unit in excess of one in RA-8, RA-6, and RA-5 Residential Districts, and establishing a new Apartment District north of the Crosstown Expressway.

November 7, 1962

Honorable Mayor and
Members of City Council
City of Asheville
Asheville, North Carolina

Gentlemen:

In accordance with your request dated September 7, 1962, this Commission today reconsidered its recommendation of September 5, 1962, regarding density standards. Based on continuing staff studies, the Commission unanimously recommends that Council favorably consider the amending of Ordinance No. 322, as follows:

1. Require 2,500 square feet of land area for each dwelling unit in excess of one in RA-8, RA-6, and RA-5 Residential Districts.

2. Establish a new Apartment District north of the Crosstown Expressway.

The suggested amendments are attached, as is a map showing the area recommended for the Apartment District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Mayor
Encl:
ZC AS - 3 15.25

RECOMMENDATION TO CITY COUNCIL FOR
AMENDING ORDINANCE NO. 322

I. Section 3, (RA-8 Residential District)

A. STRIKE the last sentence of Paragraph C which reads:

"Provided further, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit in excess of two (2) contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein."

II. Section 4. (RA-6 Residential District)

A. STRIKE the last sentence of Paragraph C which reads:

"Provided further, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit in excess of two (2) contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein."

III. Section 5, (RA-5 Residential District)

A. STRIKE the last sentence of Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area five hundred (500) square feet for each apartment or living unit contained therein."

B. ADD new last sentence to Paragraph C which reads:

"Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein."

IV. Section 6. (Neighborhood Trading Area)

A. STRIKE Paragraph D-2 (a) which reads:

"a. Buildings erected for dwelling purposes exclusively shall comply with the regulations of RA-5 Residential District for side and rear yard requirements."

B. ADD new Paragraph D-2 (a) which reads:

"a. Buildings erected for dwelling purposes exclusively shall comply with the regulations of RA-5 Residential District for area and dimensional (yard, court, and height) requirements."

V. ADD a new Section 5.2, Apartment District, as follows:

SECTION 5.2

APARTMENT DISTRICT

A. Uses Permitted.

1. Any use permitted in RA-8 Residential District

2. Incidental accessory retail uses such as delicatessens, drug stores, soda shops, barber shops, beauty parlors, laundry pick-up stations, and news stands operated solely for the convenience of residents, provided: 1), such uses shall occupy not more than fifty percent (50%) of the ground floor of any main building; 2), no exterior advertising display may be used; and 3), no less than twenty (20) dwelling units are constructed on the same parcel.

B. Building Height Limit.

Same as RA-8 Residential District

C. Building Site Area Required - Residences, Apartment Houses.

The minimum building site shall provide five thousand (5,000) square feet of land area for each main building thereon. Such sites shall have an average width of at least fifty (50) feet. Where a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum side and front yard requirements as set out in Section 5, RA-5 Residential District, are conformed to. Provided, however, that apartment houses shall, in addition to the above requirement, increase the minimum building site area one thousand, one hundred (1,100) square feet for each apartment or living unit in excess of one (1) contained therein.

D. Front Yard Required.

Same as RA-6 Residential District

E. Side Yard Required.

There shall be a side yard on each side of the main building having a width of not less than ten (10) feet, measured at the front building line of the main building. Where there are two or more main buildings on the same lot or parcel, no main building shall be closer than twenty (20) feet to any other main building.

F. Rear Yard Required.

Same as RA-5 Residential District.

G. Signs.

Same as RA-8 Residential District.

H. Courts.

Same as RA-8 Residential District.

I. Off-Street Parking

Same as RA-8 Residential District.

J. Corner Lots.

Same as RA-8 Residential District.

THE FOLLOWING BOUNDARY DESCRIPTIONS ARE OF AREAS PROPOSED TO BE ZONED AS AN APARTMENT DISTRICT.

BOUNDARY DESCRIPTION DESIGNATING
APARTMENT DISTRICT ZONING AREA

All of the area presently owned by the Housing Authority of the City of Asheville and now zoned RA-5 Residential District, lying between Hall Street and Riverside Drive, north of Patton Avenue.

All of the area bounded by Hall Street on the West, Broadway on the east, northern right-of-way of the present East-West Expressway on the south, and following the southern margin of Houston Street Extension east to the northern margin of Courtland Avenue; thence in a westerly direction to the eastern margin of Pearson Drive; thence in a northerly direction to the southern margin of W. Chestnut Street; thence in an easterly direction along the southern margin of West Chestnut to the northeast corner of Tax Lot 182, Ward 3, Sheet 9; thence in a northerly direction to the northwest corner of Tax Lot 190, Ward 3, Sheet 9; thence in an easterly direction along the northern boundary of said tax lot to Montford Avenue and then continuing in this direction generally parallel to West Chestnut to include the following tax lots: 161 thru 169, inclusive, 142½, 143, 143½, and 124 thru 136, inclusive, Ward 3, Sheet 3, to the northeast corner of Tax Lot 124, this being all of Area 2, presently zoned RA-5 and RA-6, with the exception of the following areas which are to be excluded:

1. Property east of Flint Street and south of Starnes Avenue presently zoned Commercial.

2. All property fronting on Broadway and presently zoned Commercial.

3. Property along Montford, Cherry, and Hall Street presently zoned Neighborhood Trading Area.

All of the area bounded by Broadway on the west, the northern right-of-way of the present East-West Expressway on the south, the western margin of Town Mountain Road on the east and a line north of Chestnut Street and generally paralleling Chestnut Street, said line being the northern property line of the following Tax Lots of Ward 2, 127-3/4, 125, 124, 122½, 121½, 119, 64, 123, Sheet 5; Lots 101, 100½, 91 thru 96, inclusive, 82, 81, 80½, Sheet 4; Lots 135½, 142, inclusive, 120½, 120, 119, 114, Sheet 16; Lots 35, 37½, 38, 117, 203, 114½, 116, 140½, 23, Sheet 17, this being all of areas 3, 4, and 5, presently zoned RA-5 and RA-6 Residential Districts, with the exception of the following areas which are to be excluded:

1. All property presently zoned Commercial fronting on Broadway

2. All property presently zoned Neighborhood Trading Area and Commercial fronting on Merrimon Avenue.

...s 19 and 20, Ward 2, Sheet 3

Tax Lots 111½, 111½, 112½, 112½, 105, 106, 107, 132, 102, 130, Ward 2, Sheet 4

All ... presently zoned Neighborhood Trading fronting on Charlotte Street.

... Tax Lots 76, presently zoned Neighborhood Trading Area and 91 and 92, presently zoned Commercial, ... 2, Sheet 2.

... 143, 146, 169½, 171½, Ward 2, Sheet 16.

... between Orange Street and the northern boundary of the East-West Expressway presently ... al on Ward 2, Sheet 2.

... mendations of the Planning and Zoning Commission were discussed at length by the ... Manager advised that in ofder to meet legal requirements it is necessary to publish notice ... change in zoning fifteen days before a date set for public hearing on the proposed change, and suggested ... of November 29th as being the earliest date this matter could be considered. It was further suggested ... all proposed changes be advertised, and that corrections could be made in the ordinance on the date of ... hearing if thought advisable by the Council.

... Morgan then moved that the date of November 29, 1962 be set as the date for a ... changes to the zoning ordinance, that the City Clerk be requested to ad... ..., and that the members of the Planning and Zoning Commission and the Planning ... hearing, which motion was seconded by Councilman McRary and unanimously adopted.

... (Walter I. Abernethy)

The City Manager advised that the term of Walter I. Abernethy as a member of the City of Asheville Board of Alcoholic Control expires on November 13, 1962.

... Morgan introduced a resolution appointing member of the City of Asheville Board ... was, on motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

... resolution will be found in Resolution Book 4 at page 204.

The City Manager presented the statement showing the budget position of the city for the ... ..., 19?

... Allen Alagary discussed the need for recreational lakes in the area, and suggested that ... following the completion of the sewage disposal system, might be the construction of retaining ... rol with the lakes to be used for recreational purposes.

... being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY ...

Thursday, November 15, 1962 - 4:00 o'clock P. ...

The City Council met in regular session Thursday, November 15, 1962, at 4:00 o'clock P. M. ... Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, ... McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that today is the date set for the public hearing on the proposed closing of Ridgeway Drive, and that all legal requirements have been complied with.

There being no objection to said closing, Councilman Mulvaney introduced a resolution authorizing abandonment and closing and disclaiming any public interest in Ridgeway Drive, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 205.

Bill Dale, president of the Lee Edwards student government, presented a petition signed by 700 students of Lee Edwards protesting the type of movies being shown at the Fine Arts Theater on Biltmorw Avenue, the suggestive advertising appearing in local newspapers, and asked the Council to take action to eliminate the moral problem.

The matter was discussed by members of the Council, Councilman Sumner suggesting that the appoint a committee to investigate the situation, said investigation to cover all theaters, to determine if pictures really are being shown. Councilman Sumner reminded the Council that a Sheriff's Committee has functioned for several years in policing newsstand matter, and that this committee might be requested to act.

The City Manager said the Corporation Counsel should take an interest in the problem and explore what the city's stand could be.

The Corporation Counsel advised that the question of what is immoral is very difficult of and that the courts have reached conflicting opinions, but that he would carry out the requested investigation.

... legal aspects. The Corporation Counsel further stated he understood the Sheriff's Committee had used moral ... suasion in getting cooperation from newsstand operators.

... CITY PLANNING -

... handbook on "The ABC's of Community Planning", published by the Community Planning Division of Sears and designed ... a basic citizen's guide and reference work on the fundamental problems of community planning.

Mr. Lawrence J. McMillan, Asheville manager of Sears-Roebuck and Co., presented to the Council

There being no further business, the meeting was upon motion adjourned.

... Mayor

Margaret Simmons
CITY CLERK

Thursday, November 22, 1962 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

... Mayor

Margaret Simmons
CITY CLERK

Thursday, November 29, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 29, 1962, at 4:00 o'clock P. M. with ... Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, J. W. McRary, and City ... Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from Perry M. Alexander, Jr., President of Alexander Investment Company, requesting the Lot 61½, Sheet 15, Ward 8 be rezoned from Institutional District to Industrial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received from J. C. Dillard, Lucille Dillard, Dorothy W. Holmes, and Mrs. Bright ... Marshall, owners of lots abutting on an alley extending north from Bond Street to the boundary line of E. W. Grove ... Park, as shown in Plat Book 9, at page 68, between Lots 1, 2 and 3, and Lot 5 and extending from the eastern margin ... of Lot 5 to Celia Place, requesting that said alley be closed.

The Mayor announced that today is the day set for the public hearing on several amendments to the ... zoning ordinance which have been recommended by the Planning and Zoning Commission, and that legal requirements have ... been complied with.

The City Manager advised that said proposed amendments had been divided into two ordinances, one ... containing the zoning of the property on Caribou Road recently annexed by Ordinance #463, the request of Joseph L. ... Reed, the petition from residents of Lake View Park, and the petition from residents of the Glen Falls Road-Edgewater ... zone area; and the other containing the request of James R. L. Davis, changing the front yard requirement of RA-10 ... Residential District from 40 feet to 35 feet, requiring 2,500 square feet of land area for each dwelling unit in excess of one in RA-8, RA-6, and RA-5 Residential Districts, the creation of an Apartment District, and the establishment of an Apartment District north of the Crosstown Expressway. The City Manager further advised that members of the Planning and Zoning Commission and the Planning Director were present to answer any questions.

Mr. Frank Parker, representing the Lake View Properties, Incorporated, requested that the proposed ... ordinance concerning the Lake View Park area be amended by adding to Sub-section (3) of Section 1 the following: Lots ... 269 through 293, inclusive, and Lots 330 through 333, inclusive, explaining that leaving these lots in RA-8 zoning ... would permit the construction of a club house with accommodations for visitors in connection with the operation of the ... Beaver Lake Golf Course.

Mr. E. L. Symms, Chairman of the Lake View Park Commission, protested against exclusion of the tract.

The Council discussed the matter, Councilman Algary expressing the opinion that he did not think the ... erection of a club house would be a detraction. Councilman Sumner suggested that Lots 292 and 293, which are across ... the street from the main tract be deleted. Councilman McRary suggested that all of the property be zoned RA-10, and ... if at a later date the proposed construction of the club house was worked out that then the zoning could be changed ... back to RA-8.

Following the discussion, Councilman Sumner moved there be added to said sub-section (3) Lots 269 - ... 293 inclusive and Lots 330 - 333, inclusive, which motion was seconded by Councilman Algary and adopted.

Councilman Sumner then introduced Ordinance No. 465, being "AN ORDINANCE AMENDING THE ZONING MAP ... AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', ... AS AMENDED", which was, upon motion of Councilman Sumner, seconded by Councilman Algary, adopted with the following ... vote:

Councilman McRary voted "no" — Councilman Algary voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Mayor Eller voted "aye"

Mr. Symms then requested that the charter requirement that the ordinance be read on three separate

days be dispensed with, and that the ordinance be passed on all three readings today.

No action was taken by the Council on this request.

The second proposed ordinance then came up for discussion, and Mrs. Sam H. Walker asked [for] exclusion of the Town Mountain Road area from the proposed district. Mr. John Hampton explained the boundaries the proposed Apartment House District. Colonel Hough stated he did not see the necessity for the apartment [house] district. Mrs. W. M. Morgan pointed out that stricter density standards had first been sought in June, and [explained] why it took until November for action. The City Manager advised the Planning and Zoning Commission needed [time] study ordinances in other North Carolina cities.

Councilman Algary noted that the proposed new standards allow 15 living units per acre, [which] space is needed for parking and play areas. However, Councilman Algary expressed the opinion that the proposed requirement of 1,100 square feet for each living unit over one in the proposed Apartment District, which would permit 29 units per acre, was too high.

The City Manager suggested that the proposed Apartment District be deleted from the ordinance.

Following further discussion, Councilman Sumner moved that sub-section (7) of Section 1 of the proposed ordinance be deleted, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Mulvaney then introduced Ordinance 466, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Algary voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Mayor Eller voted "aye"

In regard to the petition to close the alley in the Grove Park section, the City Manager advised that the procedure would be to advertise a date for a public hearing on this matter and publication of notice of said hearing, and that such a resolution had been prepared.

Councilman Mulvaney then introduced a resolution providing for a public hearing on petition to close an alley extending north from Bond Street between Lots 1, 2 and 3 and 5, as shown on plat recorded in plat book 9, at page 68, and also extending from the eastern margin of Lot 5 to Celia Place, which was upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 206.

The City Manager advised that Perry M. Alexander, Jr. and others wish to dedicate a forty foot street running between Governor's View Road and North Carolina Highway 81, as shown on Plat Book 33 at page 1.

Following a discussion, Councilman McRary introduced a resolution accepting the dedication of a forty foot street running between Governor's View Road and North Carolina Highway 81 and shown on Plat Book [33] at page 1, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 207.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for the period ending September 30, 1962.

Mr. Eugene Burr presented a petition signed by some 300 residents in the Royal Pines area testing rust in the water and asking for a 50% reduction in water rates until the condition is corrected.

The City Manager advised that the city supplies water to but does not own the lines in the area, which are in the South Buncombe Water District, and that requests for capital improvements in the system should be taken to the Board of County Commissioners as trustees of the South Buncombe District. The City Manager further advised that he believed the trouble will soon be corrected as a result of additional water pressure from the city's new transmission line.

There being no further business, the meeting was upon motion adjourned.

MAYOR — CITY CLERK

Thursday, December 6, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 6, 1962, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, [Clerk] Margaret Allen, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lot 61-1/4, Sheet 15, Ward 8 from Institutional District to Commercial District.

December 5, 1962

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 61-1/4, Sheet 15, Ward 8, be rezoned from Institutional District to Commercial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BN AS - N 15.25

A communication was received from the Planning and Zoning Commission recommending the zoning of the Sayles Village property RA-5 Residential District.

December 5, 1962

Honorable Mayor and
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that the property being annexed into the City Limits of Asheville, known as Sayles Village, be zoned RA-5 Residential District. This property was annexed by City Ordinance No. 464, effective January 1st, 1963.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

[AR]:nr
BN AS - N 15.25

The above recommendations were accepted by the Council, and Councilman Algary moved that the Corporation Counsel be instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held December 27, 1962, which motion was seconded by Councilman Morgan and unanimously adopted.

A petition was received from L. H. Giezentanner requesting the rezoning of Lot 13½, Sheet 5, Ward [8] from Residential District to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 465, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was presented for its second reading.

The City Manager advised that Mr. Frank Parker was at Cherokee, N. C. and telephoned that he would not be able to be present due to the inclement weather.

Mr. Symms, Chairman of the Lake View Park Commission, again requested that the property described as the club house property not be deleted from the RA-10 zoning. Other speakers in this behalf were Mr. W. C. Hart, General John C. Arrowsmith, Joseph R. Gill, C. H. Duty, Col. Stewart L. Cowles, Mrs. William T. Pennell and Charles [Phillips].

Councilman Algary stated that he had voted for the exclusion of this property based on the belief that RA-10 zoning would have prohibited clubhouse construction, but that a further examination of the zoning ordinance showed that construction of a club house is permitted in an RA-10 residential zone, and that requirements for club house construction are identical in RA-10 and RA-8 Residential Districts. Mr. Algary then moved that Lots 269 - 291, inclusive, and Lots 330 - 333, inclusive, be stricken from sub-section (3) of Section 1 of Ordinance 465, which motion was seconded by Councilman Mulvaney.

Mr. Herbert E. Johnson asked the Council to delay action until Mr. Parker could be present, and was advised that Mr. Parker could be heard on next Thursday.

A vote was then taken and said motion unanimously adopted.

Thereupon, said Ordinance No. 465 was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

Ordinance No. 466, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was presented for its second reading.

Mr. Fred Steiner asked the Council to reconsider its action on this ordinance in regard to density standards, and accept instead a sliding scale of restrictions, proposing 2,000 square feet for RA-8, 1,800 square feet for RA-6 and 1,500 square feet for RA-5, which would permit density of 16 units in RA-8, 21 in RA-6 and 25 in RA-5 and would ease financing problems of apartment house developers. Mr. Steiner further asked that the creation of an Apartment District be reconsidered.

Councilman Algary stated it was the opinion of the Council that 15 units per acre was sufficient, and Councilman Sumner stated that a sliding scale would discriminate against apartment tenants in the lower residential categories.

Mr. Stiner was advised that the Council has not abandoned consideration of the apartment district measure, but has postponed this for discussion at a later date.

Following the discussion, Ordinance No. 466 was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

The City Manager advised that negotiations had been completed for city operation of a parking lot to be established on property owned by heirs of James Jarrett on Haywood Road near Brevard Road in Asheville.

Councilman McRary introduced resolution directing Mayor and City Clerk to execute lease with Virginia Presley and James Maurice Jarrett, Trustees under the Will of James Jarrett, on property located on Sheet 9, Ward 6 of the Buncombe County Tax Maps, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 208.
Copy of lease will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period ending November 30, 1962.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 13, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 13, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Town of Weaverville requesting the City of Asheville to cooperate with the Town of Weaverville in installing a supply line as recommended in a report from L. E. Wooten and Company, Consulting Engineers, in order to provide an additional water supply for said Town.

December 11, 1962

Mayor and City Council,
City of Asheville,
Asheville, N. C.

Gentlemen:

Attached please find report from L. E. Wooten and Company, consulting engineers, Raleigh, N. C., reporting on additional water supply for the Town of Weaverville. This report is dated November, 1962. You will note from the report that the engineers have examined the feasibility of several schemes of supplying the Town of Weaverville with additional water, and in the final analysis the engineers recommend that a transmission line be constructed from the Asheville corporate limits to an existing 8" line along U. S. Highway 19 and 23 to an existing line at a point known as DuBose Hill, further described as where U. S. Highway 25 leaves the Weaverville Road in the direction of Marshall.

The purpose of this communication is to request the City of Asheville under its established formula to cooperate with the Town of Weaverville in installing at its own expense, exclusive of materials, a supply line as recommended in said engineering report. The Town of Weaverville has made necessary financial arrangements and is in a financial position to authorize this improvement and to reimburse the City of Asheville for all materials used in connection with this recommended construction.

It is understood by the Town of Weaverville that it is to enter into an agreement with the City of Asheville to operate this proposed line as a closed line. However, in the event bona fide requests are made for service along this proposed line such requests will be referred to the Woodfin Water and Sewer District. In the event the Trustees of the Woodfin Water and Sewer District request the Town of Weaverville and the City of Asheville for additional water service, it is the intention of the Town of Weaverville to cooperate with the City of Asheville in providing such services to the Woodfin Water and Sewer District.

The Town of Weaverville urges immediate consideration of this request, since several proposed industrial installations are anticipated and also expansion of existing industries.

This letter may be considered as a formal letter of authority on behalf of the Town of Weaverville to authorize this improvement as outlined above, and to reimburse the City of Asheville accordingly.

Yours very truly,

S/ W. W. Shope
W. W. Shope
Mayor

Ordinance No. 465, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was presented for its third reading.

Mr. Frank Parker, attorney for the Lakeview Properties, Incorporated, explained that what is planned for the club house site is a very extensive facility involving a large investment, and would be of a type similar to the Asheville and Biltmore Club but including a substantial number of rooms available for visitors and would be a major tourist facility. Mr. Parker stated that the Beaver Lake Golf Course is operated with a deficit, and this facility would not only carry the golf course, but would be attractive from the point of view of an investment. Mr. Parker renewed his request that this property remain zoned RA-8, but expressed the opinion that the contemplated type of facility might not be permissible under RA-8 zoning, and might require either a definition by ordinance of what constitutes club buildings broad enough to permit this type of development or institutional zoning.

Council members stated that no specific plans for the clubhouse are yet available, and if plans for a desirable facility were presented, assistance would be given.

Mr. E. L. Symms, Chairman of the Lakeview Park Commission, repeated earlier objections to excluding the clubhouse tract from RA-10 zoning, and was joined in this request by Mrs. Pennell, Mr. Duty and others.

Following the discussion, Ordinance No. 465 was, upon motion of Councilman Sumner, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 465

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned INDUSTRIAL DISTRICT:

Located in Buncombe County, North Carolina. BEGINNING at a point in the Northern line of Tract "A" as shown on plat of Carter & Bearden, Engineers, dated May 2, 1962, which is recorded in the office of Register of Deeds for Buncombe County, North Carolina, in Plat Book 32 at page 37, which said point being distant South 47 deg. 30' West 181.42 feet from a concrete monument marked "X" on said plat and runs thence South 47 deg. 30' West 118.58 feet to a stake in the Northernmost corner of Tract "B" as shown on said plat; thence with the line dividing Tracts "A", "B" and "D" as shown on said plat South 42 deg. 30' East 720 feet to a concrete monument a common corner of Tracts "A" and "D" as shown on said plat; thence with the Southern line of Tract "A" North 47 deg. 30' East 271.31 feet to a point in

the Southern line of said Tract "A"; thence with the line designated on said plat as "Asheville City Limit Line" North 53 deg. 55' West 609.66 feet to a stake; thence North 56 deg. 11' West 86 feet and North 59 deg. 16' West 40.55 feet to the place of BEGINNING.

(2) That the following described property be rezoned from RESIDENTIAL DISTRICT to ROADSIDE BUSINESS AREA:

All that portion of Lot 200, Sheet 18, Ward 8, lying southwest of the west margin of U. S. Highway 74 and that portion of said Lot 200 lying within 300 feet of the east margin of U. S. Highway 74.

(3) That all areas on Sheet 23, Ward 9 within the City of Asheville be zoned RA-10 RESIDENTIAL DISTRICT, except those areas presently zoned RA-6 Residential District and Neighborhood Trading Area, and excepting the following lots 2, 362-368, inclusive, 370, 371, 376-1/2, 376, 377-1/4, 377, 379, 380, 382-389, inclusive.

(4) That all areas on Sheet 42, Ward 9 within the City of Asheville be rezoned from RA-8 RESIDENTIAL DISTRICT to RA-10 RESIDENTIAL DISTRICT.

(5) That all areas on Sheet 27, Ward 9 east of the 1929 City Limits Line which are presently zoned RA-8 RESIDENTIAL DISTRICT be rezoned RA-10 RESIDENTIAL DISTRICT.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 29 day of November, 1962.

T. B. Sumner
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 13 day of December, 1962, to become effective 28 day of December, 1962.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
Corporation Counsel

Margaret Simmons
CITY CLERK

Ordinance No. 466, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 466

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the zoning map and zoning ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from INDUSTRIAL DISTRICT to RA-6 RESIDENTIAL DISTRICT:

Area owned by James R. L. Davis lying south and east of Dunkirk Road to beginning at a hub at the eastern corner of tax lot 28, Ward 8, Sheet 4 and following a line 150 feet South 2 deg. 37' West to a hub; thence 281.1 feet South 0 deg. 56' West to a hub marking the southeast corner of property being described; thence a line 188.4 feet North 78 deg. 26' West to a corner; thence a line 142.7 feet North 30 deg. 35' West to a corner; thence a line 106.4 feet South 61 deg. West to a corner; thence a line 86 feet South 3 deg. 32' West to a hub; thence 85.4 feet South 4 deg. 33' West to a corner; thence 143.6 feet South 82 deg. 25' West to a hub; thence 99.6 feet South 78 deg. 16' West to a hub; thence 56.5 feet South 59 deg. 14' West to a hub; thence 101.5 feet South 16 deg. 16' West to a hub; thence 150.2 feet South 72 deg. 52' West to a pipe marking the southwest corner of

property; thence a line 257 feet North 16 deg. 27' West to a hub marking the northwest corner of said property, also being the southwest corner of tax lot 105, Ward 8, Sheet 2; thence following a line in an easterly direction for 872.8 feet which is the southern boundary of Tax Lots 105, 106, 107, and 108, Ward 8, Sheet 2, and Lots 23 - 28, inclusive, back to the beginning, being the northern portion of Lot 16, Ward 8, Sheet 2.

(2) That Section 2.1, RA-10 Residential District, Sub-section D. Front Yard Required, be amended by striking out the words and figures "forty (40)" as same appear in said section, and inserting in lieu thereof the words and figures "thirty-five (35)".

(3) That Section 3 (RA-8 Residential District) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

A. That the last sentence of Paragraph C be and is hereby repealed, and a new sentence be added to Paragraph C as follows:

Provided, however, that apartment houses shall in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) Square feet for each apartment or living unit in excess of one (1) contained therein.

(4) That Section 4 (RA-6 Residential District) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

A. That the last sentence of Paragraph C be and is hereby repealed, and a new sentence be added to Paragraph C as follows:

Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein.

(5) That Section 5 (RA-5 Residential District) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

A. That the last sentence of Paragraph C be and is hereby repealed, and a new sentence be added to Paragraph C as follows:

Provided, however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein.

(6) That Section 6 (Neighborhood Trading Area) of said Ordinance #322, as amended, be and the same is hereby amended as follows:

A. That Paragraph D-2 (a) be and is hereby repealed, and a new Paragraph D-2 (a) be added as follows:

a. Buildings erected for dwelling purposes exclusively shall comply with the regulations of RA-5 Residential District for area and dimensional (yard, court, and height) requirements.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 29 day of November, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 13 day of December, 1962, to become effective 28 day of December, 1962.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager reported the retirement of J. C. Fitzgerald as Chief of the Fire Department, effective January 1, 1963.

The City Manager requested that under the rules and regulations of the Civil Service Commission that an exception be granted to Rule #4 for Intra Departmental Promotions (which rule prohibits promotion of an employee after reaching the age of 55 years), advising if this exception is granted by the Council his office will request the Civil Service Commission to certify Assistant Chief D. B. Dover as Chief of the Asheville Fire Department without examination. The City Manager further advised that Mr. Dover has some two years to serve before reaching the retirement age of 65, and that he intends to retire at that time, and for this reason the City Manager stated he wants to ensure the availability of a highly trained chief to succeed Dover, and will ask the Civil Service Commission to hold an examination to determine the applicant best qualified to receive special training in 1963.

"It is requested of the Council that under the rules and regulations of the Civil Service Commission that an exception be granted to Rule #4 for Intra Departmental Promotions (which rule prohibits promotion of an employee after reaching the age of 55 years).

"If this exception is granted by the Council, this office will request the Civil Service Commission to certify Assistant Chief D. B. Dover as Chief of the Asheville Fire Department without examination. This will permit the department to bring about an orderly transition of authority without interruption of service.

"At this point I would like to state to the Council that the office of City Manager has been working very closely with Mr. W. B. McLean, Jr., Chairman of the Public Insurance Committee for the Asheville Insurance Agents Exchange (which is an organization of the fire insurance under-writers in Asheville that handles all types of insurance for public agencies), to the end of selecting a member of the Asheville Fire Department to attend several of the qualified schools on fire department administration, fire protection and fire fighting.

"I want to take this means of thanking Mr. McLean and his committee for their splendid co-operation.

"It appears that after a candidate has been selected the Institute of Government at Chapel Hill, N. C. provides special training in this field, and also the University of Maryland and the Fire Departments Instructors Conference in Memphis, Tennessee.

"With this opportunity of entering a member of the department in a series of schools sponsored by the Asheville Insurance Agents Exchange it is the plan of this office to request the Civil Service Commission to conduct an examination to determine the best qualified applicant to enter special training in 1963."

Following a discussion, Councilman Sumner moved that under the rules and regulations of the Civil Service Commission that an exception be granted to Rule #4 for Intra Departmental Promotions (which rule prohibits promotion of an employee after reaching the age of 55 years) for D. B. Dover, which motion was seconded by Councilman Morgan and adopted, Councilman McRary abstaining from voting.

A resolution commending J. C. Fitzgerald for his services as Chief of the Fire Department of the City of Asheville, signed by all members of the Council, was unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 209.

The City Manager advised the Council that through unusually favorable terms in buying pipe and letting contracts for the transmission line project the city has the funds to carry out a million dollar expansion of Asheville's water system, which proposal includes extension of city water service to Fletcher, Weaverville, construction of three new reservoirs, provision for 100 new fire hydrants, and extension of 13 existing lines. The City Manager advised that the proposed projects will take some two years to complete, and will put the city's water system in the clear for many years to come.

The various projects were outlined, and a copy is on file in the office of the City Clerk.

In discussing the service to Fletcher, the City Manager advised this has been requested by residents of that area in Henderson County, and that state legislation will be sought to authorize the city to provide such a service outside of Buncombe County.

The City Manager further advised that contracts for the various projects will be brought back to the Council for approval, that same will be handled on a fiscal basis, and that he requests the Council to approve the program in principle.

The matter was discussed by the Council, and Councilman Sumner moved that the proposed expansion program be approved in principle, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Sumner stated that he took exception to an editorial in The Asheville Times published December 11th dealing with charges brought before the Buncombe County Grand Jury alleging that a disproportionate number of cases, particularly drunken driving cases, were being nol prossed in Police Court and in Buncombe County Superior Court. Councilman Sumner further stated that he was the Councilman whose criticism of City Police Court operations in 1954 led to a Bar Association investigation of the court, and that due to failure of witnesses to testify charges could not be substantiated, and that the investigation was a whitewash. Councilman Sumner further stated he was not ashamed of what he did then and wanted this put in the record.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, December 20, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 20, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by some sixty persons representing Broadway business establishments was received asking that a license for the sale of beer at #18 Broadway not be granted.

The City Manager advised that he has been informed that no application has been filed yet for beer license at #18 Broadway, and stated that the State makes the investigation of these applications and grants the licenses, so the application should be forwarded to the State Alcoholic Beverage Control Board.

The Council directed that this petition be forwarded to the proper place.

A petition, signed by Hugh E. Lamb and wife, Jacksie Lamb, and Elbert J. Lyman and wife, Kathleen Lyman, was received requesting that a portion of Wilbar Avenue described in the petition be closed.

The matter was discussed by the Council, and Councilman Mulvaney introduced a resolution providing for a public hearing on petition to close a portion of Wilbar Avenue, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, adopted. Complete copy of resolution will be found in Resolution Book 4 at page 210.

A communication was received from the Planning and Zoning Commission recommending the approval of a plat entitled "George W. Smith Property"

December 18, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

The attached plat entitled "George W. Smith Property" prepared by S. W. Huddleston for Mr. George W. Smith describes the subdivision of property fronting on Hi-Alta Avenue and Appalachian Way in the Deaverview Section of West Asheville.

The plat has been reviewed by this Commission at its regular meeting on December 5, 1962. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
EN AS - N 15.30

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Algary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Mountview Gardens Extension and requesting the Council to waive the requirement of Subdivision Ordinance that the final plat be submitted for final approval within one year of preliminary approval.

December 18, 1962

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, entitled "Mountview Gardens Extension" prepared by William Pitkin for the Al J. Goodman Company, dated June, 1962, describes the subdivision of real property located east of Elkwood Avenue between Merrimon Avenue and Lakeshore Drive.

The above described plat incorporates two plats, Mountview Extension No. 2 and No. 3, reviewed at separate meetings of this Commission. Mountview Extension No. 2 was reviewed July 6, 1960 and No. 3 was reviewed December 7, 1960. These two plats were combined substantially as approved. Therefore, it is recommended that the requirement stated in Section 6 of the Subdivision Ordinance 424 "requiring the final plat be submitted for final approval within one year of preliminary approval" be waived and the plat be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
EN AS - N 15.30

Councilman Sumner moved that the requirement of Section 6 of the Subdivision Ordinance be waived, and that said plat be approved, which motion was seconded by Councilman Algary, and unanimously adopted.

Councilman Algary brought up the matter of the families of three city employees killed in a cave-in on Tuesday and asked what resources were available to them.

The City Manager advised that under Workmen's Compensation each of the families will receive $10,000 in payments of $35.00 per week spread over a six year period, with $400 for funeral expenses. In addition, where Social Security eligibility has been established, survivors' benefits will be paid to each widow for her lifetime and to each child until reaching the age of 18.

The City Manager further advised that city personnel have been aiding the families, and trying to be as helpful as possible in this very regrettable tragedy.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 27, 1962 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 27, 1962, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Mayor announced that today is the date set for the proposed rezoning of Lot 61-1/4, Sheet 15, Ward 8 and the zoning of Sayles Village.

There being no objection, Councilman Mulvaney introduced Ordinance No. 467, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing member of Boxing and Wrestling Commission for the City of Asheville, said vacancy existing due to the death of Clarence H. Crawford. Councilman Morgan moved that an expression of appreciation for the fine service rendered by Mr. Crawford as Chairman of the Commission for many years be forwarded to his family, which motion and resolution were seconded by Councilman Sumner and unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 211.

The City Manager advised that due to the failure of a sewer line on the Tunnel Road at Kenilwood Forest it had been necessary to relocate this line, and that negotiations for right-of-way had been completed at no expense to the city.

Councilman Sumner then introduced a resolution authorizing the Mayor and City Clerk to execute necessary agreement and indenture effecting the abandonment of an existing sewer line and relocating same on the property of Margaret E. Decker and Esther Bloxton, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 212.
Copies of deeds are attached to original resolution.

The City Manager advised that negotiations had been completed for leasing certain property on North Market Street for an off-street parking lot.

Councilman Mulvaney then introduced a resolution authorizing Mayor to execute lease with Jeness B. Hussey, Executrix of the Estate of George B. Hussey, for operating off-street parking facility by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 213.
Copy of lease will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute lease with Allen T. Morrison and wife, Helen B. Morrison, for operating off-street parking facility by city, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 214.
Copy of lease will be found attached to original resolution.

The City Manager presented the audit of the City of Asheville for the period ending September 30, 1962.

In connection with the petition previously presented protesting the granting of a license for the sale of beer at #18 Broadway, Mr. Don C. Young, attorney for several of the petitioners, appeared before the Council to renew the protest, citing State General Statute 18-72 in the Alcoholic Beverage Control Act of 1939 as requiring governing bodies of municipalities to approve all licenses issued for sale of alcoholic beverages. Mr. Young stated he interpreted the statute as meaning that while permits are issued by the State ABC Board, local licenses must be approved by City Council. Mr. Young asked for a hearing on the license application by the Council.

Mr. William Styles, attorney for the applicant for such license, asked for sufficient notice of such a hearing to permit the applicant to be present.

Other speakers opposing the issuance of such license included Mrs. Philip Reid of Globe Furniture Company, and C. B. Wight of Wight's Business Machines Co.

The City Manager advised that Gallop's application for a license was received Thursday morning, and that the application by Gallop, who is already licensed to sell beer in the city, had been approved by the City Licensing Department and the Police Department, but that issuance of a city license would depend on issuance to Gallop of a State ABC Board permit. The City Manager stated he understood the next step would be for the State ABC Board to post the premises with a notice that a beer sale application for that address had been filed.

Attorneys were assured that a hearing on the Gallop application will be held after the state notice has been posted.

Councilman McRary urged the city to investigate the feasibility of mass inoculation against polio by oral vaccine, citing the program carried out by Houston, Texas in this connection.

The City Manager stated this would be a matter for the Health Department to explore.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 3, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 3, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lot 13-1/2, Sheet 5, Ward 2 to Neighborhood Trading Area.

January 2, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 13-1/2, Sheet 5, Ward 2 be rezoned from Residential District to Neighborhood Trading Area.

Sincerely yours,

AR:nr
Encl:
BN AS - N 15.25

S/ Anthony Redmond
Anthony Redmond,
Secretary

A communication was received from the Planning and Zoning Commission recommending that the zoning ordinance be amended to clarify restrictions on the use of an undivided lot for individual apartment rental units.

January 2, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

Pursuant to a verbal request of Mr. Alvin E. Miller on January 2, 1963, this Commission discussed the provisions of the zoning ordinance and Section 2D(3) in particular.

It was moved, seconded and passed unanimously that Section 2(d)(3) be recommended for amendment by substituting a comma for the period and adding thereto the following:

"except upon prior approval of the City Council."

Sincerely yours,

AR:nr
BN AS - N 15.25

S/ Anthony Redmond
Anthony Redmond,
Secretary

Councilman Algary moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held January 24th, which motion was seconded by Councilman Sumner and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that the plat plan for Maple Cove be approved, subject to the passage of an amendment to Section 2D(3) of the Zoning Ordinance.

January 2, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville North Carolina

Gentlemen:

Pursuant to a verbal request of Mr. Alvin Miller on January 2, 1963, this Commission reviewed a plot plan entitled "Maple Cove", copy of which is attached.

After discussion, the Commission took the following action:

It was moved, seconded, and passed unanimously that the plat plan for "Maple Cove" be recommended for approval by City Council, subject to the passage of an amendment to Section 2D(3) of the Zoning Ordinance of the City of Asheville.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:
MAPS - N 15.25

Action was deferred by the Council on approval of this plat plan until after consideration of the proposed amendment.

A communication was received requesting the rezoning of Lot 369, Sheet 16, Ward 6 to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 467, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING CHAPTER 1322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that Dr. Farrar Parker, a member of the Board of Examiners for Policemen's and Firemen's Pension and Disability Fund, has moved outside the city, and therefore a vacancy exists on the Board.

Councilman Morgan introduced a resolution electing member of Board of Examiners for Policemen and Firemen's Pension and Disability Fund, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 215.

Councilman Mulvaney introduced a resolution appointing a Municipal Board of Elections for a period of two years, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 216.

Councilman Algary introduced a resolution designating additional banking depositories for city funds, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 217.

CELIA PLACE - Alleyway
CLOSED

The City Manager advised that today is the date set for the public hearing on the closing of an alley extending north from Bond Street between Lots 1, 2 and 3, and extending from the eastern margin of Lot 5 to Celia Place.

There being no objection, Councilman Sumner introduced a resolution authorizing abandonment and closing and disclaiming any public interest in alley extending north from Bond Street between Lots 1, 2 and 3, and 5, as shown on plat recorded in Plat Book 9 at page 68, and also extending from the eastern margin of Lot 5 to Celia Place, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 218.

Mrs. E. C. Jolliff, on behalf of the Women's Society of Christian Service of Central Methodist Church, presented petitions objecting to the type of movies and advertising at the Fine Arts Theatre on Biltmore Avenue.

The Mayor stated that the City Attorney had been looking into this matter to see what the Council could do with reference to this purported nuisance.

The City Attorney advised that he has made and is still making an investigation into the matter in the light of state law and city ordinances, and that it presents difficult legal questions, but that he hopes to be able to recommend action very shortly, and it may be necessary to recourse to court action to be sure that the rights of all parties are protected.

Councilman Algary stated he thought the Council should take a stand in this matter. Following a discussion, Councilman Sumner moved that the matter be turned over to the City Manager to take whatever legal action is necessary in his discretion to bring it to a head, which motion was seconded by Councilman Algary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 10, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 10, 1963, at 4:00 o'clock P. M. with Mayor Wm. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, and City Manager Milton Weir.

The minutes of the previous meeting were read and approved.

A petition signed by eight property owners was received requesting the rezoning of the Cherry Lane area from RA-6 Residential District to RA-10 Residential District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

(Corner of Haywood Road and Ridgelawn Avenue)

A communication was received from C. G. Barnhill requesting the rezoning of the lot at the corner of Haywood Road and Ridgelawn Avenue from Business District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation, following a discussion in which the City Manager advised that there has been considerable informal protest to the rezoning of this property.

The City Manager reported that the management of the Fine Arts Theatre had been most cooperative in solving this problem, and that a different type of operation had been entered into.

Councilman McRary questioned if the other two theaters in Asheville are the only ones that can get first-run pictures, and stated that he thought the Council should aid the Fine Arts in getting such pictures since they cooperated with the Council.

The City Manager presented a report from the City Building Inspector's office which showed building permits totaling $7,811,800 were issued during 1962 to set an all-time record. The report also showed that during 1962 [illegible] buildings were razed as substandard, and 22 other buildings were condemned.

The City Manager presented the statement showing the budget position of the city for the period ending December 31, 1962.

Ordinance No. 467, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading, the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 467

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322 and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from Institutional District to Commercial District:

Lot 61-1/4, Sheet 15, Ward 8

(2) That the following property be zoned RA-5 Residential District:

Located in Buncombe County, North Carolina.

BEGINNING at a stake in the northern bank of the Swannanoa River, at the northwest corner of the First Tract described in a deed from Sayles Biltmore Bleacheries, Inc., a Virginia corporation, to Sayles Biltmore Bleacheries, Inc., a Delaware corporation, dated July 30, 1962 and recorded in the Buncombe County, N. C. Register's Office on July 30, 1962, and runs thence with the northern bank of said River, South 64 deg. West 73 feet to a stake at the northeast corner of the Second Tract described in said deed; thence crossing said River, South 9 deg. 25' East 1712.9 feet to a concrete monument near the South bank thereof; thence South 9 deg. 25' East 1687.8 feet to a concrete monument; thence South 4 deg. 30' West 1687.8 feet to a concrete monument; thence South 87 deg. 25' East 118.5 feet to a concrete monument, formerly a White Oak; thence South 10 deg. 25' East 140.4 feet to a concrete monument in the northern margin of the right of way of the Southern Railway; and runs with said right of way, the following five courses and distances: South 76 deg. East 313.3 feet to a stake; South 81 deg. 59' East 230 feet to a stake; South 85 deg. 59' East 144.16 feet to a stake; South 88 deg. 20' East 405.68 feet to a stake; and South 83 deg. 36' East 179.44 feet to a stake; thence with the western line of the above referred to First Tract, parallel to and 20 feet distant from the Industrial spur track located over said First Tract, the following courses and distances: North 40 deg. 42' West 50 feet; North 35 deg. 15' West 50 feet; North 31 deg. 48' West 50 feet; North 26 deg. 11' West 50 feet; North 21 deg. 30' West 50 feet; North 18 deg. West 50 feet; North 11 deg. 53' West 50 feet; North 6 deg. 39' West 50 feet; North 1 deg. 40' West 50 feet; North 3 deg. 17' East 50 feet; North 5 deg. 37' East 78.35 feet; North 6 deg. East 25 feet; North 5 deg. 36' East 70 feet; North 3 deg. 22' East 50 feet; North 0 deg. 58' East 50 feet; North 1 deg. 57' West 95 feet; North 3 deg. 07' West 640.80 feet; North 6 deg. 03' West 61.73 feet; North 8 deg. 30' West 112.2 feet; North 9 deg. 57' West 112.68 feet; North 7 deg. 51' West 60.69 feet; North 4 deg. 01' West 61.02 feet and North 1 deg. 53' West 19.33 feet to a stake; thence South 70 deg. 03' West 306.16 feet to a stake; thence North 19 deg. 57' West 75 feet to a stake; thence North 27 deg. 55' West 239.22 feet to a stake; thence South 72 deg. 05' West 110.81 feet to a stake; thence North 51 deg. 11' West 187.29 feet to a stake; thence North 21 deg. 21' West 134.87 feet to a stake; thence South 76 deg. 13' West 161.34 feet to a stake; thence North 58 deg. 30' West 210.77 feet to a stake; thence with the Northwesternmost line of the above referred to First Tract, North 9 deg. 25' West 141.2 feet, crossing the Swannanoa River, to the place of BEGINNING. Being part of the property which was conveyed to Sayles Biltmore Bleacheries, Inc., a Rhode Island Corporation, by deed dated May 9, 1960 and recorded in the Buncombe County, N. C. Register's Office in Deed Book 828, at page 465.

Section 2. That the office of the City Engineer is hereby authorized and directed to make changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sections, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 27 day of December, 1962.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 10 day of January, 1963, to become effective 25 day of January, 1963.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 17, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 17, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Bill Dale, President of the Lee H. Edwards Student Government, thanking the Council for its action in securing a change in the type of movies shown at the Fine Arts Theater

A letter was received from V. A. Cogburn requesting that Lot 13 3/4, Sheet 12, Ward 7 be rezoned to permit a Mobile Home Park.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition was received from the Pioneer Land Developers, Inc. requesting annexation of part of a tract on Chunns Cove Road lying outside the city limits.

Following a discussion, this matter was referred to the Corporation Counsel for preparation of resolution setting date for a public hearing.

The City Manager advised that the Civic Committee for Air Pollution had recommended the appointment of Charles S. Roth, Walter Bearden, Mrs. Mamie Clayton, and Mrs. J. C. Hall to the Advisory Board created under Ordinance #310.

Councilman Morgan introduced a resolution appointing four members of Advisory Board as Created Under Ordinance #310, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 219.

The City Manager advised that the term of C. LeRoy Robinson as a member of the Metropolitan Sewerage District Board expires January 19, 1963.

Councilman Mulvaney introduced a resolution appointing member to the Metropolitan Sewerage District and, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 220.

Miss Fannie McCoy spoke briefly in protest against urban redevelopment.

Mr. David P. Sykes appeared before the Council to urge development of the old Riverside Park tract for a horse show grounds.

The City Manager advised that the Council had already informally discussed the possibility of developing this tract as a horse show grounds, and he had been instructed to explore the proposal with the appropriate Chamber of Commerce Committee to find out how much interest there is in the project, since it would take professional leadership to develop interest, schedule and manage shows, and that the project would need a broad base of support to be successful.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 24, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 24, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that today is the date set for the public hearing on closing a portion of Wilbar Avenue as petitioned by Hugh E. Lamb and wife and Elbert J. Lyman and wife, and following publication of notice as required by law.

Mr. R. R. Williams, Jr, on behalf of Leon Rocamora, owner of the property upon which is located the A & P Store, opposed any action by the Council which would affect this street, stating that the proposed closing would adversely affect his client's interest.

Mr. Francis Heazel, attorney for Mrs. Eugene Cannon, owner of the property occupied by Asheville Cab Company, also opposed any action which would in any way affect the value of this property. Mr. Heazel further stated that if the proposed section of the street is closed, he will request that the portion which passes the Cannon property be opened and maintained as a public street.

Mr. DeVere Lentz and Mr. J. A. Patla, attorneys for the petitioners, advised that the portion of street requested to be closed had never been used as a thoroughfare, abutted only the property of the petitioners and would not affect either the Rocamora or Cannon property.

The City Manager advised that this portion of Wilbar Avenue had never been accepted by the city, has never been maintained, and that no request has been made that any portion be accepted and maintained as a public thoroughfare.

The matter was discussed by the Council, Councilman McRary suggesting that the attorneys get together and close said street all the way to Southside, which action was opposed by Mr. Williams, who stated his client would like to have the street opened all the way through.

Mr. Lyman advised the Council that if the proposed closing was approved, he would be able to improve his property and operate his business more efficiently.

Councilman Sumner stated that he represented an interested property owner, and would take no part in the deliberations of the Council.

Following the discussion, Councilman Algary introduced a resolution authorizing abandonment of closing and disclaiming any public interest in portion of Wilbar Avenue, which was, upon motion of Councilman Algary, seconded by Councilman McRary, adopted. Councilman Sumner abstained from voting.

Complete copy of resolution will be found in Resolution Book 4 at page 221.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of Lot 13-1/2, Sheet 5, Ward 2, and an amendment clarifying the requirements for construction on a single undivided tract of separate apartment units.

There being no opposition to said proposals, Councilman Mulvaney introduced Ordinance No. 468, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a resolution had been prepared setting a date for a public hearing on the petition of Pioneer Land Developers, Inc. that certain property in the Chunn's Cove section be annexed to the city.

Whereupon, Councilman Morgan introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Pioneer Land Developers, Inc., which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 222.

The City Manager advised that the city was ready to advertise for bids for extension of the water distribution system, including installation of 100 fire hydrants in the city, extension of city water lines to Weaverville, and extension of lines along New Leicester Highway, and that the estimated cost of materials for this initial project would be approximately $254,000, of which some $54,000 will be refunded to the city by the Town of Weaverville.

Councilman McRary then introduced a resolution authorizing City Manager to advertise for bids for cast iron pipe, fittings, valves and hydrants required for the extension of the City of Asheville water distribution system, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 223.

The City Manager presented the audit of the City of Asheville Board of Alcoholic Control for

period ending December 31, 1962.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, January 31, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, January 31, 1963, at 4:00 o'clock P. M. with Mayor Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending approval of a plat of Nixon Terrace Extension subject to City Council approval of a variance of a 13% grade on Nixon Terrace Street for approximately 150 feet.

January 31, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, Nixon Terrace Extension, prepared by Ray E. Anders, Surveyor, for LS&M Builders, Inc. and dated January 1, 1963 shows the subdivision of land in Haw Creek.

The above described plat was reviewed by this Commission at its regular meeting held January 2, 1963. The Commission recommended this plat be approved subject to the owner providing a leveling area on Nixon Terrace Street at its intersection with Lindsey Road.

To comply with this requirement, the owner has rough graded the street to provide the leveling area. By so doing the street grade had to be increased to 13% for approximately 150 feet distance from the leveling area. This is in excess of the 12% maximum grade allowed under the Subdivision Ordinance, however, it is recommended a variance be granted in this instance not to exceed 13% grade. In considering this plat for approval, Council should note reason for this variance in its minutes.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
AS - N 15.30

Following a discussion, Councilman McRary moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, and that a variance of a 13% grade on Nixon Terrace Street for a distance of approximately 150 feet distance is also approved due to the fact that the Commission made its approval of the plat subject to the owner providing a leveling area on Nixon Terrace Street at its intersection with Lindsey Road, and in order to comply with this requirement the street grade had to be increased to 13% for said distance from the leveling area, which motion was seconded by Councilman Morgan and unanimously adopted.

A petition, signed by 18 property owners in the Town Mountain Road Area, was presented requesting that the zoning ordinance be amended either to limit RA-8 to single family and duplex residences, or that a new zone of RA-9 be created with those restrictions, and also requested the rezoning of the Town Mountain Road area either to the proposed RA-8 or the new RA-9 if Council should adopt either of the proposals.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 468, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Algary asked about the prospects of obtaining a zebra, and the Director of Public Works advised that the city is keeping in touch with an animal farm, and hopes to be able to purchase a zebra in time for the summer season.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, February 7, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 7, 1963, at 4:00 o'clock P. M. with Mayor

E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the approval of plat entitled Section 3, Sunset Mountain, Inc.

February 6, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Section 3, Sunset Mountain Inc." prepared by S. W. Huddleston for Sunset Mountain Inc. and dated December 1958, shows the subdivision of real estate on Old Toll Road and Sunset Drive.

The above described plat has been reviewed by this Commission at a regular meeting held today. It is recommended that it be given your approval.

Sincerely yours,

S/ John R. Hampton
John R. Hampton,
Planning Director.

JRH:nr
BN AS - N 15.30

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman McRary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the rezoning of Lot 369, Sheet 16, Ward 6 from RA-6 Residential District to Roadside Business District, and that the owner comply with Zoning Ordinance, Section 6A(C) pertaining to Area Regulations.

February 6, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and passed unanimously that the Commission recommend for rezoning from RA-6 Residential District to Roadside Business District Lot No. 369, Sheet 16, Ward 6 (formerly Sheet 4, Hazel Ward) and that the owner comply with Zoning Ordinance, Section 6A(c) pertaining to Area Regulations which states, "where a tract three acres or more in area is to be improved for the uses provided in this district, a site plan shall be furnished to the City Council, showing the proposed construction and other improvements to be placed thereon, and City Council shall have the right to establish other setback and yard regulations with respect thereto greater than those required in Neighborhood Trading Area."

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

A communication was received from the Planning and Zoning Commission recommending the rezoning of certain property on Cherry Lane in Lake View Park from RA-6 Residential District to RA-10 Residential District

February 6, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend for rezoning from RA-6 Residential District to RA-10 Residential District Lots number 276, 24-1/4, 24, 23, 23-3/4, 23-1/2, 23-1/4, 229-1/4 and 229 listed on Sheet 21, Ward 9 of the Buncombe County Tax Maps, as now constituted.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

Councilman Morgan moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of public hearing on same to be held February 4, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that the Barnhill property at the corner of Haywood Road and Ridgelawn Avenue remain as it is now zoned.

February 6, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the City of Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that the Barnhill property at the corner of Haywood Road and Ridgelawn Avenue remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
BN AS - N 15.25

This communication was received as information by the Council.

Ordinance No. 468, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 468

ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from Residential District to Neighborhood Trading Area:

Lot 13-1/2, Sheet 5, Ward 2.

(2) That Section 2., Districts and Boundaries Thereof, Sub-section D. 3. be amended by substituting a comma for the period and adding thereto the following:

"except upon prior approval of the City Council, pursuant to the provisions of Ordinance No. 424 and particularly Section 4 thereof."

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 24 day of January, 1963.

Frank Mulvaney
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 7 day of February, 1963.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that today is the date set for a public hearing on the request of Pioneer Land Developers, Inc. that certain of its property in the Chunn's Cove section be annexed by the City of Asheville, and that advertisement of said public hearing was duly made.

There being no objection to said request, Councilman Mulvaney introduced Ordinance No. 469, entitling "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was upon motion of Councilman Mulvaney, seconded by Councilman Morgan, passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager discussed a recent editorial of the local television station concerning a comparison between the auditing system of the City of Asheville and the City of Greenville, South Carolina.

The City Manager explained that all city auditing is carried out in accordance with state statutes, and is under the constant supervision of the Local Government Commission, which Commission was created by the legislature with the State Treasurer as Chairman. This Commission sets up uniform accounting and recording systems for use in local units, and that quarterly and annual audits are filed with said Commission. The City Manager further advised that the City of Asheville has a contract with a Certified Public Accountant to furnish the Local Government Commission with audits and information, which contract is approved by the said Commission. The City Manager stressed the fact that the city adopts an annual budget, and operates within the budget, and if an overrun occurs in one department it is made up by economies. The City Manager further advised that the record of the city's audits on file with the Local Government Commission was responsible for the favorable sale of three recent major city bond issues, and that new industry locating here has done so after being satisfied by examination of the city's audit with the Commission that the city was in position to carry out needed capital improvements.

The City Manager presented copy of the statement showing the budget position of the city for the period ending January 31, 1963.

The City Manager presented the Annual Report of the Fire Department for the year 1962.

Miss Fannie McCoy presented the Council with further information in protest to the proposed urban renewal project.

The Council discussed a recent newspaper article concerning four deserted houses on the left over land of the Expressway right-of-way, the State Highway Commission having advertised for bids for removal without success.

Following the discussion, Councilman Algary moved that the City Manager be authorized to demolish the houses immediately if the State Highway Commission so requests, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, February 14, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 14, 1963, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 469, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE ANNEXING CERTAIN PROPERTY" was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, passed on second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner brought up the matter of stepped-up inspection of sub-standard houses and razing of these structures, and the City Manager advised a report would be presented on this in the near future.

Councilman Sumner stated in view of the failure of the Buncombe County delegates to present legislation permitting a vote on a dog control ordinance in the upcoming general election in May he wishes to make a motion that the Corporation Counsel be instructed to draft an ordinance for consideration of the Council substantially identical to Ordinance 420, as amended by Ordinance 457, said ordinance to be presented on the 28th day of February, 1963, which motion was seconded by Councilman McRary.

The matter was then discussed by members of the Council. Councilman Morgan stated he felt satisfactory progress was being made under the present ordinance, and he could not support such an ordinance. Councilman Mulvaney said he felt the present ordinance was sufficient, and he opposed any change. Councilman Algary stated he had heard nothing from people who were in favor of the ordinance, and from the number of petitions filed in opposition he believed a majority of the people did not want the ordinance. Councilman McRary said he felt obligated to go ahead with the ordinance, and believed the people should vote on it.

The City Manager advised that in discussing the matter with the Buncombe County delegates they stated very strongly that there was ample state-wide legislation to solve this problem. The City Manager then presented records from the city dog wardens showing 1,158 dog complaint investigations and 112 dog bite cases in the five months before July of last year, and 659 complaints and 53 dog bite cases in the following five months, and advised that the dog wardens were of the opinion that the reduction was partly due to increased public responsibility following wide publicity to dog control measures last July.

Councilman Morgan asked for a roll call on the motion. The Clerk then called the roll and Councilman McRary voted Yes; Councilman Mulvaney voted No; Councilman Algary voted No; Councilman Sumner voted Yes; Councilman Morgan voted No; and Mayor Eller voted No.

Councilman Algary then urged that the present ordinance be enforced in as strong a manner as possible.

The City Manager advised that the Lynn Corporation had applied for a building permit for conversion of the old Biltmore Hospital nurses home into an apartment building, and that the plan meets density requirements under the zoning ordinance, but is required to be approved by the Council.

Councilman Sumner moved that this site plan be approved, which motion was seconded by Councilman Algary and unanimously adopted.

The City Manager advised that due to failure of a sewer line on the Tunnel Road at Redwood Forest it had been necessary to relocate this line, and that negotiations for right-of-way had been completed at no expense to the city.

Councilman Mulvaney introduced a resolution authorizing the Mayor and City Clerk to execute necessary agreement and indenture effecting the abandonment of an existing sewer line and relocating same on the property of H. Cannon Motors, Inc., which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 225.
Copy of deed will be found attached to original resolution.

The City Manager advised that after due advertisement according to law bids had been received on February 11, 1963 for materials in connection with the proposed expansion and extension of the city water distribution system. The City Manager stated these materials are for the first phase in the city's program, that considerable interest was expressed, and that the bids were lower than had been estimated. The City Manager further advised that these bids have been analyzed by the Engineering Department, and said department has recommended that the low bids be accepted, same being as follows:

Lynchburg Foundry Co.	Mechanical joint cast iron pipe or Bell-Tite Joint cast iron pipe	$183,780.00 176,140.00
James B. Clow & Sons, Inc.	Miscellaneous fittings	661.66
M & H Valve & Fittings Co.	Valves and fire hydrants	19,487.05
Grinnell Company	Pipe fittings	5,815.24

Councilman McRary introduced a resolution authorizing and directing City Manager to execute contracts with Lynchburg Foundry Co., James B. Clow & Sons, Inc., M & H Valve & Fittings Co. and Grinnell Company for materials in connection with expanding and extending the water system of the City of Asheville, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 224.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 21, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 21, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition signed by several property owners in Ward 2 was presented requesting that Lots 13, 2[illegible], and 1, Sheet 19 remain as now zoned.

This petition was referred to the Planning and Zoning Commission for study.

Ordinance No. 469, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 469

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 7th day of February, 1963 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the area or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Section 160-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING at a City Marker at the extreme Southwest corner of that certain tract of land conveyed to Lucy Gardner Bell by Hugh A. Penley and wife Irene Miller Penley, by deed duly recorded in the office of the Register of Deeds for Buncombe County, N. C., in deed book 854 page 46, and runs thence North 84 deg. 55' [illegible] 1091.3 feet to a stake; thence North 2 deg. 30' East 1166 feet to a stake; thence due East 300 feet to a stake; thence due North 615 feet more or less to a stake in the Southern line of the Naish property; thence with the Southern line of said property North 89 deg. 35' West 1130 feet to a Spanish Oak, the Southwest corner of said Naish property; thence South 30 deg. 39' West 226 feet to a stake; thence South 5 deg. 29' West with the City limits of the City of Asheville, 1538 feet to the point of BEGINNING.

Section 2. That from and after the effective date of this ordinance the territory hereinexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 7 day of February, 1963.

Frank Mulvaney
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 21 day of February, 1963.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Mr. Howard S. Kennedy of the public relations staff of Moore-McCormack Lines and chairman of a nationwide program sponsored by the government and private shipping presented to the city the nameplate of the liberty ship O. Henry.

The Mayor accepted the nameplate , which is to go on permanent display in the Pack Memorial Public Library, together with the flag of said ship.

There being no further business, the meeting was on motion adjourned.

CITY CLERK

Thursday, February 28, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, February 28, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received requesting the rezoning of Lots 57 and 58, Sheet 8, Ward 6 from Residential RA-6 District to Roadside Business, which was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that today is the date set for the public hearing on the rezoning of certain lots on Cherry Lane, and Lot 369, Sheet 16, Ward 6.

There being no objection, Councilman Morgan introduced Ordinance No. 470, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

The City Manager advised that in carrying out the proposed improvements to the water distribution system it had been necessary to secure certain rights-of-way, and that property owners had been most cooperative in providing these rights-of-way at no cost to the city.

Councilman McRary then introduced a resolution authorizing Mayor to execute an indenture and agreement with Gulf Oil Corporation for the use of a ten foot strip of land and the installation therein of a sixteen inch water pipe line, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 34 at page 226.
Copy of agreement will be found attached to original resolution.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute on behalf of the city lease agreements with the Southern Railway System to construct various water pipe lines on certain railroad property, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 34 at page 227.
Copy of agreement will be found attached to original resolution.

The City Manager discussed the proposed bond issues for the urban redevelopment project, rights-of-way for interstate connectors, and community buildings in annexed areas, and advised that the city's ratio of general debt to total assessed valuation has improved to such an extent that an election on the urban renewal project could be called on the initiative of the City Council, said improved fiscal position being brought about by the steady and substantial increase in assessed valuation due to growth inside the City of Asheville. The City Manager advised that he had discussed the rescheduling of the city's capital improvements with W. E. Easterling, Director of the Local Government Commission.

As to the interstate connectors, the City Manager advised that this matter had been discussed with the State Highway Commission, and the Commission is willing to enter into an agreement for the cost of the

rights-of-way to run over a period of years without interest, which would allow the City Council to appropriate an amount each year and eliminate the necessity of a bond election.

Regarding the community buildings in annexed areas, the City Manager advised that complete fire service is available in these sections now, and that the community buildings can be built over the next four years without a bond issue.

The City Manager stated that these matters were brought to the attention of the Council with the hope that the Council will direct him to present this favorable position to the bond attorneys so they can review these matters and possibly fix a date for a referendum in connection with the urban renewal project.

The matter was discussed by members of the Council, and Councilman Algary suggested that all bonds need not be issued immediately, and that in this way they could be handled with a very minimum tax increase.

Following the discussion, Councilman Morgan moved that the City Manager be directed to proceed with this new approach for a decision by the bond attorneys, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 7, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 7, 1963, at 4:00 o'clock P. M. with Mayor C. M. Taylor presiding. Present: Councilmen Ralph D. Morris, Sr., J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. C. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by Harriet McLean Cannon, Leon D. Rocamora and Dolores S. Rocamora was presented requesting that the portion of Wilbar Avenue described in the petition be closed.

Councilman McRary moved that the Corporation Counsel be instructed to draw a resolution providing for a public hearing on the petition to close a portion of Wilbar Avenue, which was, upon motion of Councilman Morgan, adopted with Councilman Sumner abstaining from voting.

A communication was received from the Planning and Zoning Commission recommending the creation of a new zone to be known as RA-9 Residential District, and zoning certain property in the Town Mountain Road area as RA-9 Residential District.

March 6, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded and unanimously passed that the Commission recommend that the Zoning Ordinance be amended by creating a new residential district which would permit single family homes, duplexes and boarding houses, but prohibit multiple family homes and tourist homes. A copy of the proposed RA-9 Residential District is attached.

The Commission then moved, seconded and passed unanimously that if such new zoning is created, that the following described area be zoned RA-9 Residential Area:

BOUNDARY DESCRIPTION OF AREA TO BE ZONED RA-9 RESIDENTIAL DISTRICT.

BEGINNING at the eastern margin of Town Mountain Road at the southwest corner of Lot 4, sheet 17, Ward 2 and following said street margin in a northerly direction to the intersection of said margin with the extended southern boundary of Lot 197, Sheet 17, Ward 2; thence with the southern boundary of said lot in a westerly direction to the southwest corner of Lot 15-1/4 of said sheet; thence in a northerly direction along the western boundary of Lots 15-1/4, 200 and 199 to the northwestern corner of Lot 199, Sheet 17, Ward 2; thence in an easterly direction along the northern boundary to the northeastern corner of said lot; thence in a northerly direction, crossing Westview Road to the southwestern corner of Lot 19, Sheet 17, Ward 2; thence in a northerly direction with the western boundary of lots fronting on Town Mountain Road to the northwestern corner of Lot 23, Sheet 17, Ward 2; thence in an easterly direction along the northern boundary of said lot to the southwestern corner of Lot 172, Sheet 17, Ward 2; thence in a northerly direction with the western boundary of lots fronting on Skyline Drive to the northwestern corner of Lot 177, Sheet 17, Ward 2; thence in a northeasterly direction along the northern boundary of said lot to the west margin of Skyline Drive; thence crossing Skyline Drive in a northwesterly direction to the southwest corner of Lot 158, Sheet 17, Ward 2; thence in a northerly direction along the western boundary to the northwest corner of said lot adjoining the southern boundary of Lot 7, Sheet 15, Ward 2; thence along the southern boundary of Lot 7 in a westerly direction to the southwest corner of said lot, being the eastern margin of Sunset Drive; thence in a northerly direction with said margin to the intersection of the northern margin of said street with the westernmost corner of Lot 2, Sheet 15,

Ward 2; thence in a northerly direction along the western boundary of Lot 2 along the eastern margin of Watson Street to the intersection of said boundary with the southeastern margin of Sunset Drive; thence in an easterly direction with said street margin to the intersection of said margin with the northern boundary of Lot 2; thence in an easterly direction with said boundary to the southwest corner of Lot 75-1/2, Sheet 15, Ward 2; thence in a northerly direction along the western boundary of said lot to an intersection with the southern margin of Cherokee Road; thence in an easterly direction with said margin to the southwest corner of Lot 115, Sheet 15, Ward 2; thence in an easterly direction with the southern boundary of said lot to the southeast corner of said lot; thence in a northerly direction along the rear boundary line of Lots 1-1/4, 1-1/2, Sheet 15, Ward 2 and Lots 5 and 6, Sheet 14, Ward 2 to the southern boundary of the residential area presently zoned RA-8 Residential District; thence in an easterly direction with the southern boundary of said district to the 1960 Asheville City Limit Boundary; thence in a southerly direction with the present Asheville City Limit Boundary to a point on the northern boundary of Lot 37, Sheet 26, Ward 8, 200 feet from the eastern margin of Howland Road; thence continuing in a southerly direction parallel to Howland Road, 200 feet in depth to a point on the northern boundary of Lot 50, Sheet 25, Ward 8; thence in a westerly direction along said boundary to the eastern margin of Howland Road; thence crossing Howland Road to the southeast corner of Lot 1-3/4, Sheet 19, Ward 2; thence along the southern and western boundary of said lot to the southern boundary of Lot 4, Sheet 17, Ward 2; thence in a westerly direction along said boundary to the point of BEGINNING.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

SECTION 2.2
(PROPOSED) RA-9 RESIDENTIAL DISTRICT

Uses Permitted.

In this district a building or land shall be used only for the following purposes:

1. Any uses permitted in RA-10 Residential District.

2. Two family dwellings.

3. Boarding houses and rooming houses.

4. Nurseries, Gardens, the raising of poultry, or pets, provided, however, that no such use shall be carried for commercial purposes or on a scale that would be objectionable because of noise or odor.

5. Accessory buildings, including one private garage, or servants' quarters, where located not less than sixty-five (65) feet from the front lot line nor less than seven and one-half (7-1/2) feet from any other lot line, provided, however, that servants' quarters may be erected above private garages and a private garage may be constructed as part of the main building or attached to it by a covered passage.

Building Height Limit.

Same as RA-10 Residential District.

Building Site Area.

The minimum building site area required shall be one lot or parcel of land nine thousand (9,000) square feet in size for each main building. Such parcel of land shall have an average width of seventy-five (75) feet. Where a lot or parcel of land has an area less than the above required minimum area and width and was of record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum front and side yard requirements set out in this section are conformed to. Provided, further, that a building occupied by two families shall have an additional parcel or land area of twenty-five hundred (2,500) square feet.

Front Yard Depth.

Same as RA-10 Residential District.

Side Yard Width.

There shall be a side yard on each side of the main building having a width of not less than ten (10) feet. The total width of said side yards, measured at the front line of the main building, shall not be less than twenty-five (25%) percent of the front footage of said lot.

Rear Yard Depth.

Same as RA-10 Residential District.

Signs.

Same as RA-10 Residential District.

Off-street Automobile Parking.

There shall be provided on such building lot (or premises), conveniently accessible from the street the following:

1. Any residence use, at least one garage or such open space on the rear or side of such lot (or premises) as shall be adequate for the storage on said lot (or premises) of at least one automobile for each family unit. The location and dimensions of such garage or open space for the storage of such automobile and the way of access thereto from the street, shall be designated and described upon the plans and specifications of such residences in sufficient detail to enable the Building Inspector to determine therefrom whether or not the provisions of this paragraph are being complied with.

2. Libraries, Community Centers, Churches, Golf Courses or Club Buildings.

Same as RA-10 Residential District.

3. Schools and other Educational Institutions.

Same as RA-10 Residential District.

f. Corner Lots (See Exhibit #1)

Same as RA-10 Residential District.

Section 19. Definitions to be amended by inserting new Item 11a. immediately following Item 11. as follows:

11a. Dwelling, Two Family. A building designed as a residence for two families living independently of each other.

Councilman Mulvaney moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same to be held April 4, 1963, which motion was seconded by Councilman Morris and unanimously adopted.

A communication was received from Beaman L. Pinner stating that his term as a member of the Asheville City School Board expired March 31, 1963, and requesting the Council to accept his resignation effective as of that date.

Councilman Morgan moved that this resignation be accepted with regret, and that a letter be forwarded Mr. Pinner expressing appreciation for his long service as a member of this board, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Ordinance No. 470, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced a resolution appointing members of Asheville School Board, which was upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 228.

The City Manager presented the statement showing the budget position of the city for the period ending February 28, 1963.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, March 14, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 14, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, Ralph D. Morris, P. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 470, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 470

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-6 Residential District to RA-10 RESIDENTIAL DISTRICT:

Lots 276, 24-1/4, 24, 23, 23-3/4, 23-1/2, 23-1/4, 229-1/4 and 229, Sheet 21, Ward 9

(2) That the following described property be rezoned from RA-6 Residential District to ROAD-SIDE BUSINESS DISTRICT:

Lot No. 369, Sheet 16, Ward 6 (formerly Sheet 4, Hazel Ward)

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of its final passage.

I move the adoption of the foregoing ordinance, this 28 day of February, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 14 day of March, 1963, to become effective 29 day of March, 1963.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution providing for a public hearing on petition to close a portion of Wilbar Avenue, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 229.

Councilman McRary asked if renewed efforts shouldn't be made for securing the Mills River (Pink Beds) water rights.

The City Manager advised that the position of the National Forest Administration has been that previous discussion of Asheville water rights on Mills River should wait on complete development by the city of present water resources, and that with construction of the North Fork Reservoir, the new 36-inch transmission line, and the million dollar expansion of distribution facilities now under way this maximum development of present available water resources is now being approached. The City Manager stated he would soon notify the National Forest officials of this fact, and ask for renewed consideration of Asheville water rights on Mills River.

Councilman Morris asked if efforts could be speeded up to secure an easement across the property of Woodhurst Apartments on Kimberly Avenue to provide a walkway for children going to Ira B. Jones Elementary School.

The City Manager advised that negotiations with the apartment property owner are still under way, and that the matter would be pursued further.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, March 21, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 21, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, Ralph D. Morris, C. E. Morgan, P. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Sunset Mountain area)

A petition signed by twenty-one property owners in the Sunset Mountain area was presented re-

questing the rezoning of this area to RA-10, which request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that the bond attorneys have reviewed the proposed bond issue for the Urban Renewal Project and have presented a schedule for the bond election. The City Manager further advised that the city's share of the original cost of the project was estimated at $1,000,000, but that it had been determined that certain items could be absorbed into the city's regular annual operating budget, thus reducing the amount of the proposed bond issue to $750,000.00. The City Manager further advised that the first step in calling an election upon the proposed bonds would be passage of a resolution calling for publication of notice of intention to apply to the Local Government Commission for the approval of bonds.

During the discussion by members of the Council it was emphasized by Councilman Algary that the resale of the land was expected to recover a large percentage of the cost.

Following the discussion, Councilman Morgan introduced in written form a resolution entitled "RESOLUTION RATIFYING ACTION OF THE CITY CLERK IN CAUSING TO BE PUBLISHED THE NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL OF $456,000 REDEVELOPMENT BONDS, $72,000 STORM SEWER BONDS, $12,000 PUBLIC PARK BONDS AND $210,000 GRADE SEPARATION BONDS", which, upon motion of Councilman Morgan, duly seconded by Councilman Sumner, was unanimously adopted.

A complete copy of the resolution will be found in Resolution Book #4 at page 230.

Mr. Louis Lipinsky, Sr., Chairman of the Asheville Redevelopment Commission complimented the Council on its action in setting the bond vote, and promised full publicity in getting the facts concerning the issue before the voters.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 28, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, March 28, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An offer of $40.00 per front foot for approximately 508 feet of property owned by the City of Asheville on Riverside Drive now used by the B. & F. Used Car Company made by James E. Walker and L. J. Hill was received.

The above offer was discussed by the Council, following which Councilman Sumner introduced a resolution authorizing City Manager to advertise for public sale certain pro perty on Riverside Drive, which was upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 231.

Councilman Mulvaney introduced in written form a resolution entitled "RESOLUTION AUTHORIZING THE MAYOR TO FILE APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR ITS APPROVAL OF THE PROPOSED $456,000 REDEVELOPMENT BONDS, $72,000 STORM SEWER BONDS, $12,000 PUBLIC PARK BONDS AND $210,000 GRADE SEPARATION BONDS", which, upon motion of Councilman Mulvaney, duly seconded by Councilman McRary, was unanimously adopted.

A complete copy of the resolution will be found in Resolution Book #4 at page 232.

The City Manager reminded the Council that when the current budget was adopted last July income of $100,000 was anticipated from the first timber cutting on North Fork, and advised that David Bryant, City Forester, with the cooperation of the TVA and the North Carolina Forestry Service, had completed the marking of 11,000 sawtimber trees located in a 1,700 acre tract on the west side of the watershed for cutting. The City Manager stressed that all timbering operations in the watershed will be under the supervision of the State Board of Health. The City Manager further advised that under an escalator clause in the proposed contract if the successful bidder is satisfied this could be a continuous operation.

The matter was discussed by members of the Council, and Councilman McRary urged that "specimen stands" of virgin timber above the lake be preserved if possible.

Following the discussion, Councilman Morgan moved that the City Manager be authorized to advertise for bids, said advertisement to provide bids would be received until 2:00 p. m. on April 29, 1963, which motion was seconded by Councilman McRary and unanimously adopted.

Mr. James S. Howell, attorney representing property owners on Market Street, requested that Market Street from where it intersects with Woodfin Street to College Street be made a two-way street, so that traffic can pass both north and south over the same. Mr. Harry Blomberg presented a petition signed by a majority of the property owners requesting this change. Mr. George B. Coston also spoke in behalf of this change, and further requested that a traffic signal be placed at the intersection of Woodfin and Market, that signs be erected on the Parkway indicating exits to specific points in the central business district, and for revision of parking on Pack Square.

The City Manager stated he thought the petition had merit, but that Market Street should be considered in connection with Spruce Street, and suggested that the entire matter be referred to his office for investigation and that a report would be made to the Council at its next meeting.

Councilman Sumner so moved, which motion was seconded by Councilman Mulvaney and unanimously carried.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 4, 1963 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, usual place of meeting, at 4:00 o'clock P. M., on April 4, 1963.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Story, Ralph D. Morris, T. B. Sumner, C. E. Morgan.

Absent: None.

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that the area described in the petition heretofore filed on Sheet 13, Ward 2 and Sheet 5, Ward 9, remain as it is now zoned.

April 3, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that the area described in the Petition, shown on City of Asheville Tax Maps, Sheet 13, Ward 2 and Sheet 5, Ward 9, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR:nr
Encl:
NW AS - N 15.25

Councilman Morgan moved that the recommendation of the Planning and Zoning Commission be approved, which motion was seconded by Councilman McRary.

A number of interested citizens were present and asked to be heard on this matter. Mr. William C. Cocke, attorney for many property owners in the area, spoke in favor of RA-10 zoning. Other speakers in this behalf were: Richard Dillard; Mr. Wheeler; Mr. Vallaincourt; Mr. Sam Sanders, and others.

Mr. Manly E. Wright, vice chairman of the Board of Trustees of Asheville-Biltmore College, and as President of the Chamber of Commerce, spoke in opposition to the RA-10 zoning.

The matter was discussed by members of the Council. Councilman Algary stated he thought the proposed apartment house would be a benefit to Asheville, and Councilman Sumner said he did not think the apartment project would damage property values on Sunset Mountain.

Following the discussion the motion was adopted, with Councilman Morgan abstaining from voting because of a personal interest in Sunset Mountain properties.

A communication was received from the Planning and Zoning Commission recommending that Lots 57 and 58, Sheet 8, Ward 6 remain as they are now zoned.

April 3, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 57 and 58, Sheet 8, Ward 6, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

Councilman McRary moved that the recommendation of the Planning and Zoning Commission be approved, which motion was seconded by Councilman Morgan and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of plat, Pioneer Land Development Subdivision, land located at the end of First Street in the Oakley section, subject to City accepting a 40' street right-of-way and a 45' right-of-way radius on the cul-de-sac, since this is a deadend street, this being a variance of the 50' minimum street width and 50' radius for a cul-de-sac set out in the subdivision ordinance.

April 4, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat, Pioneer Land Development Subdivision, prepared by S. W. Huddleston, Surveyor, for Pioneer Land Development Corporation and dated April 3, 1963 shows the subdivision of land located at the end of First Street in the Oakley section.

The above preliminary plat was reviewed by this Commission at a regular meeting held February 6, 1963. The Commission recommends that this plat be approved subject to the City accepting a 40' street right-of-way and a 45' right-of-way radius on the cul-de-sac, since this is a deadend street. This is a variance of the 50' minimum street width and 50' radius for a cul-de-sac as set forth in the subdivision ordinance.

In considering this plat for approval, City Council should note the reason for this variance in its minutes.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:
BN AS - N 15.30

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, and that the city accept a 40' street right-of-way and a 45' right-of-way at the cul-de-sac, the reason for this variance being that this is a deadend street, which motion was seconded by Councilman Algary and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending the approval of plat entitled Happy Valley (part of block E & F).

April 3, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

The attached plat entitled, "Happy Valley (part of block E & F)", prepared by Carter and Bearden, Engineers, and dated March, 1963, describes the subdivision of real property in Haw Creek.

The above described plat is a section of the entire "Happy Valley Subdivision", part of which has already been accepted by the City Council. This addition conforms to the original plan of the area as approved.

It is recommended that it be given your final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:
BN AS - N 15.30

Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Ordinance #424, which motion was seconded by Councilman Morgan and unanimously adopted.

A communication was received from the Broadway Better Business Association endorsing the proposed Urban Renewal Project.

Mr. Don C. Young, attorney, advised the Council that he had been informed that the State ABC Board had approved a permit for the sale of beer by George G. Gallop at 18 Broadway, and asked that a city privilege license for this operation not be issued until opponents were granted a further hearing before the Council.

The City Manager advised that it has been the policy of the city that issuing a permit for sale of beer was a State ABC Board responsibility, and that issuing a city privilege license for tax purposes was a routine matter to be carried out when the state permit has been locally received. The City Manager suggested that the matter be resolved by waiting to hear if opponents to the Gallop permit wanted to be heard at another meeting, since he had talked with the president of the Broadway Better Business Association that morning and he seemed to feel that the matter was closed, which procedure was approved by the Council.

The City Manager advised that today is the date set for the hearing on the proposed creation of RA-9 Residential District, and the inclusion of certain property in the Town Mountain area in this new district.

Councilman Morrison then introduced Ordinance No. 471, being "AN ORDINANCE AMENDING THE ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was seconded by Councilman Mulvaney.

Colonel E. P. Gaines of 3 Town Mountain Road, on behalf of himself, Mrs. Gaines and George M. Moore, requested that a change be made in the last four lines of the description contained in the ordinance to the following: "thence crossing Howland Road to the South Corner of Lot 1 1/4, Sheet 19, Ward 2; thence along the Western boundaries of Lots 1 1/4 and 3, Sheet 19, Ward 2, to the Southern boundary of Lot 4, Sheet 17, Ward 2; thence in a westerly direction along said boundary to the point of beginning", so as to exclude his seven acre tract from the RA-9 rezoning, and that the present RA-6 zoning be retained for the property.

Exclusion of the properties from the RA-9 rezoning was opposed by Gen. and Mrs. Pierre Mallett of Boxwood Lane, Mrs. Sam H. Walker of 63 Buchanan Avenue and Mrs. G. R. Bostain of 15 Cogswood Road.

During the discussion Councilman Sumner asked that a map be made of the area, and Councilman Algary suggested that more study be given, and that this hearing be recessed until next week, which procedure was followed by the Council.

Miss Fannie McCoy spoke in opposition to the urban redevelopment project, and suggested that a resident of the area involved be made a member of the committee appointed by the Mayor.

The City Manager reported that a study had been made regarding the request for two-way traffic on Market Street, and that plans had been worked out to restore two-way traffic on Market Street and Spruce Street between Haywood Street and College Street, with the present traffic patterns on College Street and Pack Square to remain unchanged, and that plans for the changes will be put in motion.

Councilman Algary opposed the move on grounds that traffic in the area will increase in the near future, and the City Manager advised the new traffic pattern will be on a trial basis.

The City Manager presented the audit for the City of Asheville for the period ending December 31, 1962.

The City Manager presented the audit of the Asheville Boxing Commission for the year ending December 31, 1962.

The City Manager distributed to members of the Council News of the Asheville Public Libraries for February, 1963.

Councilman Morgan introduced in written form the following ordinance authorizing bonds which was

ORDINANCE AUTHORIZING
$456,000 REDEVELOPMENT BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville,

North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Morgan, seconded by Councilman McRary, the ordinance entitled: "ORDINANCE AUTHORIZING $456,000 REDEVELOPMENT BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None

Thereupon Councilman Mulvaney introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING $72,000
STORM SEWER BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Mulvaney, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $72,000 STORM SEWER BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller

Nays: None.

Thereupon Councilman Sumner introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING $12,000
PUBLIC PARK BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Sumner, seconded by Councilman Morris, the ordinance entitled: "ORDINANCE AUTHORIZING $12,000 PUBLIC PARK BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None

Thereupon Councilman McRary introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING $210,000
GRADE SEPARATION BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman McRary, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $210,000 GRADE SEPARATION BONDS" as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon Councilman Morgan introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE CITY MANAGER
TO PREPARE AND FILE THE SWORN STATEMENT
OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of the bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Morgan, seconded by Councilman Mulvaney, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed upon the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes:

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE
CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT
TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, J. Weldon Weir, City Manager of the City of Asheville, North Carolina, having been desig-
nated by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Fi-
nance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the
books in my office, not taking into consideration any debt incurred in anticipation of the collection of taxes or
in anticipation of the sale of bonds:

(a) GROSS DEBT

a(1)	Outstanding debt, not evidenced by bonds			None
a(2)	Outstanding bonded debt:			
	Date of Issue	Designation	Amount	
	July 1, 1936	General Refunding	$8,118,191.97	
	July 1, 1936	Water Refunding	2,527,819.79	
	Dec. 1, 1951	Water Bonds of 1951	2,270,000.00	
	Dec. 1, 1957	Airport	850,000.00	
	June 1, 1960	Airport, Second Series	80,000.00	
	Nov. 1, 1961	Water Bonds of 1961	4,500,000.00	
	July 1, 1936	Beaverdam Water & Sewer District	222,616.19	
	July 1, 1936	Caney Valley Sanitary Sewer District	14,867.91	
	July 1, 1936	East Biltmore Sanitary Sewer District	10,666.01	
	July 1, 1936	Fairview Sanitary Sewer District	11,388.67	
	July 1, 1936	Hazel Ward Water & Watershed District	7,189.92	
	July 1, 1936	South Buncombe Water & Watershed District	79,194.40	
	July 1, 1936	Swannanoa Water & Sewer District	392,288.75	$ 19,084,223.61
a(3)	Bonded debt to be incurred under ordinances passed or introduced:			
		Redevelopment Bonds	$456,000.00	
		Storm Sewer Bonds	72,000.00	
		Public Park Bonds	12,000.00	
		Grade Separation Bonds	210,000.00	$ 750,000.00
(a)	GROSS DEBT, being the sum of a(1), a(3) and a(3)			$ 19,834,223.61

(b) DEDUCTIONS

b(1)	Unissued funding or refunding bonds included in Gross Debt	None
b(2)	Sinking funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes	$ 716,891.78
b(3)	Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt	None
b(4)	Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some part of the gross debt	None
b(5)	Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes	$ 9,699,219.79
b(6)	The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt	None
b(7)	Indebtedness included in gross debt and incurred for school purposes	None
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and B(7)	$ 10,416,111.57

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b)	$ 9,418,112.04

(d) ASSESSED VALUATION

(d)	ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1962	$ 119,559,147.00

(e) DEBT RATIO

(e)	Percentage which the net debt bears to said assessed valuation	7.878%

The foregoing statement is true.

S/ J. Weldon Weir
City Manager of the City of
Asheville

OF NORTH CAROLINA)
OF BUNCOMBE) ss

Subscribed and sworn to before me this 4th day of April, 1963.

mission expires:
c. 16, 1964

S/ Lillian Ducker
Notary Public

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY
the foregoing is a true copy of a statement filed with me at a meeting of the City Council of said City on
, 1963, after the introduction and before the passage of four ordinances authorizing bonds of said City, and
said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 4 day of April, 1963.

S/ Margaret Simmons
City Clerk

Thereupon, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, the requirement
the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not
than two-thirds of the members of the Council:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Morgan, seconded by Councilman McRary, the ordinance enti-
"ORDINANCE AUTHORIZING $456,000 REDEVELOPMENT BONDS" as hereinabove set forth was read a second time and was
upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Morgan, seconded by Councilman McRary, the ordinance enti-
"ORDINANCE AUTHORIZING $456,000 REDEVELOPMENT BONDS" as hereinabove set forth was read a third time and was
upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Mulvaney, seconded by Councilman Algary, the ordinance enti-
"ORDINANCE AUTHORIZING $72,000 STORM SEWER BONDS" as hereinabove set forth was read a second time and was passed
its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Mulvaney, seconded by Councilman Algary, the ordinance enti-
"ORDINANCE AUTHORIZING $72,000 STORM SEWER BONDS" as hereinabove set forth was read a third time and was passed
its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Sumner, seconded by Councilman Morris, the ordinance enti-
"ORDINANCE AUTHORIZING $12,000 PUBLIC PARK BONDS" as hereinabove set forth was read a second time and was passed
its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman Sumner, seconded by Councilman Morris, the ordinance enti-
"ORDINANCE AUTHORIZING $12,000 PUBLIC PARK BONDS" as hereinabove set forth was read a third time and was passed
its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller.

Nays: None.

Thereupon, upon motion of Councilman McRary, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $210,000 GRADE SEPARATION BONDS" as hereinabove set forth was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon, upon motion of Councilman McRary, seconded by Councilman Algary, the ordinance entitled: "ORDINANCE AUTHORIZING $210,000 GRADE SEPARATION BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon the ordinances entitled:

"ORDINANCE AUTHORIZING $456,000 REDEVELOPMENT BONDS",

"ORDINANCE AUTHORIZING $72,000 STORM SEWER BONDS",

"ORDINANCE AUTHORIZING $12,000 PUBLIC PARK BONDS", and

"ORDINANCE AUTHORIZING $210,000 GRADE SEPARATION BONDS"

and the resolution entitled:

"RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION"

were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinances and said resolution his approval of the forms thereof.

Thereupon, upon motion made by Councilman Algary, seconded by Councilman Sumner, and adopted the City Clerk was directed to publish each of the foregoing four ordinances authorizing bonds in The Asheville Times, once in each of two successive weeks, and to publish at the foot of said ordinances the appended note as required by The Municipal Finance Act, 1921, as amended.

Thereupon Councilman Morris introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE SUBMISSION OF FOUR ORDINANCES AUTHORIZING BONDS TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. At the regular municipal election to be held in the City of Asheville on Tuesday, May 14, 1963, between 6:30 A.M. and 6:30 P.M., Eastern Standard Time, and at the same places at which such regular municipal election will be held, there shall be submitted to the qualified voters of said City the following questions:

1. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

2. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

4. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Section 2. The Council has ordered a supplemental registration of voters not theretofore registered for such election, and the books for such registration will remain open from 9:00 A.M. to sunset on each day beginning Saturday, April 20, 1963, and ending Saturday, May 4, 1963. On each Saturday during said registration period the books will be open at the polling places. Saturday, May 11, 1963, will be Challenge Day.

Section 3. Notice of said registration and election shall be published in The Asheville Times, at least thirty days before the date hereinabove fixed for the election, and again not later than twenty days before the date of the election, reading substantially as follows:

NOTICE OF THE SUBMISSION OF FOUR ORDINANCES AUTHORIZING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, TO THE VOTERS OF SAID CITY AT THE REGULAR MUNICIPAL ELECTION ON MAY 14, 1963

NOTICE IS HEREBY GIVEN that at the regular municipal election to be held in the City of Asheville, North Carolina, on Tuesday, May 14, 1963, between 6:30 A.M. and 6:30 P.M., Eastern Standard Time, and at the places at which such regular municipal election will be held, there will be submitted to the qualified voters of the City of Asheville the following questions:

1. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

2. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

4. Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

Each of the questions hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

A supplemental registration of voters not theretofore registered has been ordered for such election. The books for such registration will remain open from 9:00 A.M to sunset on each day beginning Saturday, April 20, 1963, and ending Saturday, May 4, 1963. On each Saturday during such registration period, the books will be open at the polling places. Saturday, May 11, 1963, is Challenge Day.

For said election the registrars and judges appointed for the regular municipal election will act as registrars and judges.

The precincts and polling places at which the election will be held and the names of the election officers, subject to change as provided by law, are as follows:

Precincts	Polling Places	Registrars	Judges
1	Court House	Mrs. Fay V. Lanning	Miss Ella Mae Smith Mrs. Bruce Steele, Sr.
2	William Randolph School	Mrs. Nola Cunningham	Mrs. Mary A. Geddert Mrs. Hubert Redmon
3	Claxton School	Mrs. Cecil Earp	Mrs. M. A. Saunders Guy D. Roberts
4	North Asheville Community Center	Mrs. Eugene Bartlett	Mrs. Lovell Smith Mrs. Royal K. Abbott
5	Grace School	Mrs. Mary Ellen Wolcott	Mrs. Fletcher Batchelor Mrs. Luther Oates
6	Haw Creek School	Mrs. Mary Flynn	Lawrence C. Stoker Mrs. Rod Bosse
7	Newton School	Mrs. J. J. Stone	Tom Posey Alfred Schreiber
8	Biltmore School	Mrs. Edith G. Shuford	Thos. Wm. Edgeworth John H. Matheson
9	Oakley School	Mrs. Levia L. Sossamon	Paul Williams William McQuinn
10	Livingston Street School	Mrs. Willie Ford Hennessee	Eugene Smith Eugene Nesbitt
11	Aston Park	Mrs. Mae R. Penley	Norman R. Cooper Mrs. L. R. Morgan
12	Hall Fletcher School	George E. Simpson	Mrs. Marie Hensley Harry R. Logan
13	Eugene Rankin School	Roy Fisher	Mrs. Fairlee Taylor C. D. Wilso n
14	Aycock School	Mrs. W. K. Dalton	Mrs. Harold Brownlee Mrs. Crawford Moody
15	Vance School	Mrs. J. H. Parris	W. T. Hollingsworth Miss Dorothy Purdue
16	West Asheville Community Center	Mrs. Grace B. Jones	Mrs. N. W. Brown Mrs. William Boyd
17	Asheville Art Museum 324 Charlotte Street	Mrs. Frances Leemon	Miss Evelyn Whitaker Peter Mallett

By order of the Council of the City of Asheville, this 4th day of April, 1963.

Margaret Simmons
City Clerk

Section 4. The registrars and judges mentioned in the foregoing notice are the registrars and judges appointed for the regular municipal election.

Section 5. The form of the questions to appear in the ballot form of the voting machines which are to be used at said election shall be substantially as follows:

.....

YES NO

BOND ELECTION

Question No. 1

Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

.....

YES NO

BOND ELECTION

Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the

Question No. 2 interest on said bonds, be approved?

.....

YES NO

BOND ELECTION

Question No. 3

Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

.....

YES NO

BOND ELECTION

Question No. 4

Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

.....

Section 6. The Municipal Board of Elections is hereby authorized and directed to perform of the duties necessary for the submission of the four ordinances authorizing bonds hereinabove mentioned to voters of the City of Asheville at the regular municipal election on May 14, 1963.

Section 7. The City Clerk is hereby directed to certify immediately a copy of this resolution said Municipal Board of Elections.

Section 8. This resolution, being a resolution directing administrative action, shall take effect immediately.

roved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Morris, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE SUBMISSION OF FOUR ORDINANCES AUTHORIZING BONDS TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE SUBMISSION OF FOUR ORDINANCES AUTHORIZING BONDS TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION" was authenticated by the signing thereof by the and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, April 11, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 11, 1963, at 4:00 o'clock P. M. with R. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. W. Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

In the interest of time the reading of part of the minutes of the previous meeting was dispensed and the remainder was approved as read.

The Council resumed the hearing on the proposed creation of an RA-9 Residential District and the tion of certain property in this District which hearing was recessed from last week.

The City Manager advised that members of the Council had reviewed a map showing the area in ques- and that some members had visited said area. The City Manager further advised that the Council had reviewed the mate proposals of Colonel Gaines, and that the Council had informally concluded that any change of this nature

would be a material change and the ordinance under consideration would have to be returned to the Planning and Zoning Commission for further study. The City Manager further stated that he had been advised by the petitioner, Colonel Gaines, that if this was the decision of the Council that in the interest of creating the RA-9 Residential District he, Colonel Gaines, would withdraw his request.

Colonel Gaines then asked if his compromise solutions had been considered, and was advised that this had been done, and Colonel Gaines then withdrew his objections.

Following the discussion, Ordinance No. 471, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Colonel Gaines then requested that the Charter requirement that the ordinance be read on three separate days be dispensed with.

Councilman Morgan so moved, which motion was seconded by Councilman Morris, and unanimously adopted.

Thereupon, Ordinance No. 471, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 471, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 471

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) Adding a new district to the districts heretofore established, said new district to be known as RA-9 RESIDENTIAL DISTRICT and described in Section 2.2, which is hereby added to the present zoning ordinance following Section 2.1, with the following provisions applicable to said RA-9 RESIDENTIAL DISTRICT:

SECTION 2.2

RA-9 RESIDENTIAL DISTRICT

A. Uses Permitted.

In this district a building or land shall be used only for the following purposes:

1. Any uses permitted in RA-10 Residential District.

2. Two family dwellings.

3. Boarding houses and rooming houses.

4. Nurseries, gardens, the raising of poultry, or pets, provided, however, that no such use shall be carried on for commercial purposes or on a scale that would be objectionable because of noise or odor

5. Accessory buildings, including one private garage, or servants' quarters, where located less than sixty-five (65) feet from the front lot line nor less than seven and one-half (7-1/2) feet from any other lot line, provided, however, that servants' quarters may be erected above private garages and a private garage may be constructed as a part of the main building or attached to it by a covered passage.

B. Building Height Limit.

Same as RA-10 Residential District.

C. Building Site Area.

The minimum building site area required shall be one lot or parcel of land nine thousand (9,000) square feet in area for each main building. Such parcel of land shall have an average width of seventy-five (75) feet. Where a lot or parcel of land has an area less than the above required minimum area and width and was of record at the time of passage of this ordinance, said lot may be occupied by one family, provided, however, that the minimum front and side yard requirements set out in this section are conformed to. Provided, further, that a building occupied by two families shall have an additional parcel or land area of twenty-five hundred (2,500) square feet.

D. Front Yard Depth.

Same as RA-10 Residential District.

E. Side Yard Width.

There shall be a side yard on each side of the main building having a width of not less than ten (10) feet. The total width of said side yards, measured at the front line of the main building, shall not be less than twenty-five (25%) per cent of the front footage of said lot.

F. Rear Yard Depth.

Same as RA-10 Residential District.

G. Signs.

Same as RA-10 Residential District.

H. Off-street Automobile Parking.

There shall be provided on such building lot (or premises), conveniently accessible from the street the following:

1. Any residence use, at least one garage or such open space on the rear or side of such lot (or premises) as will be adequate for the storage on said lot (or premises) of at least one automobile for each family unit. The location and dimensions of such garage or open space for the storage of such automobile and the way of access thereto from the street, shall be designated and described upon the plans and specifications of such residences in sufficient detail to enable tht Building Inspector to determine therefrom whether or not the provisions of this paragraph are being complied with.

2. Libraries, Community Centers, Churches, Golf Courses or Club Buildings.

Same as RA-10 Residential District.

3. Schools and other Educational Institutions.

Same as RA-10 Residential District.

I. Corner Lots. (See Exhibit #1)

Same as RA-10 Residential District.

(2) That Section 19. Definitions. of said Ordinance #322, as amended, be and the same is hereby amended as follows:

That a new Item known as Item 11a. be and is hereby enacted for insertion between Item 11. and Item 12. as follows:

11a. Dwelling, Two-Family. A building designed as a residence for two families living independently of each other.

(3) That the following described property be rezoned RA-9 Residential District:

BEGINNING at the eastern margin of Town Mountain Road at the southwest corner of Lot 4, Sheet 17, Ward 2 and following said street margin in a northerly direction to the intersection of said margin with the extended southern boundary of Lot 197, Sheet 17, Ward 2; thence with the southern boundary of said lot in a westerly direction to the southwest corner of Lot 15-1/4 of said sheet; thence in a northerly direction along the western boundary of Lots 15-1/4, 200 and 199 to the northwestern corner of lot 199, Sheet 17, Ward 2; thence in an easterly direction along the northern boundary to the northeastern corner of said lot; thence in a northerly direction, crossing Westview Road to the southwestern corner of Lot 19, Sheet 17, Ward 2; thence in a northerly direction with the western boundary of lots fronting on Town Mountain Road to the northwestern corner of Lot 23, Sheet 17, Ward 2; thence in an easterly direction along the northern boundary of said lot to the southwestern corner of Lot 172, Sheet 17, Ward 2; thence in a northerly direction with the western boundary of lots fronting on Skyline Drive to the northwestern corner of Lot 177, Sheet 17, Ward 2; thence in a northeasterly direction along the northern boundary of said lot to the west margin of Skyline Drive; thence crossing Skyline Drive in a northwesterly direction to the southwest corner of Lot 158, Sheet 17, Ward 2; thence in a northerly direction following the western boundary to the northwest corner of said lot adjoining the southern boundary of Lot 7, Sheet 15, Ward 2; thence along the southern boundary of Lot 7 in a westerly direction to the southwest corner of said lot, being the eastern margin of Sunset Drive; thence in a northerly direction with said margin to the intersection of the northern margin of said street with the westernmost corner of Lot 2, Sheet 15, Ward 2; thence in a northerly direction along the western boundary of Lot 2 along the eastern margin of Watson Street to the intersection of said boundary with the southern margin of Sunset Drive; thence in an easterly direction with said street margin to the intersection of said margin with the northern boundary of Lot 2; thence in an easterly direction with said boundary to the southwest corner of Lot 15-1/2, Sheet 15, Ward 2; thence in a northerly direction along the western boundary of said lot to an intersection with the southern margin of Cherokee Road; thence in an easterly direction with said margin to the southwest corner of Lot 215, Sheet 15, Ward 2; thence in an easterly direction with the southern boundary of said lot to the southeast corner of said lot; thence in a northerly direction along the rear boundary line of Lots 1-1/4, 1-1/2, Sheet 15, Ward 2 and Lots 5 and 6, Sheet 14, Ward 2 to the southern boundary of the residential area presently zoned RA-8 Residential District; thence in an easterly direction with the southern boundary of said district to the 1960 Asheville City Limit Boundary; thence in a southerly direction with the present Asheville City Limit Boundary to a point on the northern boundary of Lot 1, Sheet 26, Ward 8, 200 feet from the eastern margin of Howland Road; thence continuing in a southerly direction parallel

to Howland Road 200 feet in depth to a point on the northern boundary of Lot 50, Sheet 25, Ward 8; thence in a westerly direction along said boundary to the eastern margin of Howland Road; thence crossing Howland Road to the southeast corner of Lot 1-3/4, Sheet 19, Ward 2; thence along the southern and western boundary of said lot to the southern boundary of Lot 4, Sheet 17, Ward 2; thence in a westerly direction along said boundary to the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 4 day of April, 1963.

Ralph D. Morris
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 11 day of April, 1963, to become effective 26 day of April, 1963.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager presented the results of the Primary Election held on April 9, 1963.

MUNICIPAL BOARD OF ELECTIONS
Asheville, N. C.

April 10, 1963

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, April 9, 1963 there was held in the City of Asheville the Primary Election for seven offices of Councilmen of the City of Asheville for the Democratic party and the Republican party, and the office of Solicitor of Police Court of the City of Asheville for the Democratic party; and

WHEREAS, certificates of result of said Primary Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 A. M. on April 10, 1963; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 polling precincts for said Primary Election; and

WHEREAS, the results of said election were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the Primary Election for seven offices of Councilmen of the City of Asheville and Solicitor of Police Court, together with sworn statement tabulating such returns.

Yours very truly,

Edison Hill
Chairman

Irwin Monk
Secretary

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND THE REPUBLICAN PARTY, AND THE OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY, HELD APRIL 9, 1963, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the Primary Election for city officials for the Democratic party and the Republican party, and the Solicitor of the Police Court of the City of Asheville for the Democratic party, held on April 9, 1963 in the City of Asheville having been received from the Registrars and Judges of Election in the various precincts of the city, and this Board having canvassed the same, the following facts are found and determined:

(a) That each Registrar and Judge for said Primary Election for city officials held in the City of Asheville on April 9, 1963 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen for each party in each precinct, and for Solicitor of the Police Court of the City of Asheville for the Democratic party in each precinct.

(c) That no complaints have been made to this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said Primary Election for the Democratic party and for the Republican party, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and the totals for such numbers:

DEMOCRATIC PARTY

PRECINCTS

Councilmen	1	2	3	4	5	6	7	8	9	10	11	12	13	14
William F. Algary	340	441	426	454	354	355	362	125	208	614	425	252	307	216
Carl W. Eller	378	480	441	493	369	383	390	136	218	**612**	484	254	320	320
Richard B. Ford	196	338	268	334	279	285	276	99	148	61	302	92	157	142
Walter McRary	361	475	441	455	359	369	363	134	208	620	486	257	328	215
Clarence E. Morgan	377	469	451	476	377	382	380	141	221	622	489	255	330	227
Ralph D. Morris	358	444	403	446	347	356	359	129	199	619	476	238	305	202
Frank M. Mulvaney	361	453	429	444	358	359	368	131	206	622	477	250	326	213
Theodore B. Sumner	227	385	399	405	299	287	301	99	171	590	321	221	266	161
For Solicitor of Police Court														
Walt Clark	50	251	171	324	267	231	206	90	90	21	88	52	99	97
William C. Hampton	**343**	286	297	221	168	200	231	70	141	592	392	203	235	124

Councilmen	15	16	17	TOTALS
William F. Algary	445	296	226	5846
Carl W. Eller	**458**	298	260	6201
Richard B. Ford	**274**	202	219	3672
Walter McRary	461	310	249	6091
Clarence E. Morgan	468	314	257	6236
Ralph D. Morris	443	291	231	5846
Frank M. Mulvaney	460	312	224	5993
Theodore B. Sumner	370	243	212	4897
For Solicitor of Police Court				
Walt Clark	183	145	194	2559
William C. Hampton	328	192	94	4117

REPUBLICAN PARTY

PRECINCTS

Councilmen	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Richard F. Austraw	19	32	49	70	55	50	30	10	18	30	25	8	21	27
Paul G. Barham	23	49	78	106	92	83	77	13	19	30	33	15	27	42
Richard F. Devinney	20	22	35	41	32	39	21	10	17	29	25	6	17	20
Grace J. Franz	22	50	86	123	111	101	87	10	21	30	33	18	31	41
William McCanless	19	**32**	44	54	46	37	23	14	17	30	26	6	14	29
Jno B. Moore	23	44	81	115	103	97	84	12	23	31	35	19	33	43
Jno D. Nix	23	43	68	91	86	89	71	14	22	27	26	17	26	39
Jean R. Ogden	6	35	63	86	79	79	72	5	9	2	15	15	22	32
George H. Parker	0	23	44	61	52	36	21	6	10	1	10	8	11	20
Billy Roberts	6	36	67	91	72	75	73	8	14	3	14	19	32	36
Jean H. Shaw	6	39	63	94	87	76	68	4	12	2	16	16	24	35

Councilmen	15	16	17	
Richard F. Austraw	33	36	14	474
Paul G. Barham	56	43	93	879
Richard F. Devinney	26	28	9	397
Grace J. Franz	**60**	**46**	99	969
William McCanless	30	28	15	564
Jno B. Moore	61	47	98	949
Jno D. Nix	49	43	94	828
Jean R. Ogden	35	30	96	681
George H. Parker	33	34	15	385
Billy Roberts	56	39	85	726
Jean H. Shaw	42	30	95	709

Dated this 10th day of April, 1963.

S/ Edison Hill

S/ Irwin Monk

S/ Eugene P. Coston
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss

Subscribed and sworn to before me this 10th day of April, 1963.

My commission expires:
(Seal) Jan. 6, 1964

S/ Margaret Simmons
Notary Public

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men received the highest number of votes cast and received the majority of the votes cast in the Democratic Primary held on said April 9, 1963 for the office of the City Council, and they are therefore declared to be the seven members of said party nominated by said party at said election, and they are hereby declared to be the nominees of the Democratic party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 14, 1963 as their party's candidates for such offices:

William F. Algary
Earl W. Eller
J. Walter McRary
Clarence E. Morgan
Ralph D. Morris
Frank M. Mulvaney
Theodore B. Sumner

(b) That the following seven men received the highest number of votes cast and received the majority of the votes cast in the Republican Primary held on said April 9, 1963 for the office of the City Council, and they are therefore declared to be the seven members of said party nominated by said party at said election, and they are hereby declared to be the nominees of the Republican party for members of the Council of the City of Asheville, and their names ordered placed upon the ballot to be used at the General Election on May 14, 1963 as their party's candidates for such offices:

Joel G. Barham
Bruce J. Franz
Don B. Moore
H. D. Nix
Doan R. Ogden
Kelly Roberts
Alan H. Shaw

(c) That the following man received the highest number of votes cast and received the majority of the votes cast in the Democratic Primary held on said April 9, 1963 for the office of Solicitor of the Police Court, and he is therefore declared to be the man nominated by said party at said election, and is hereby declared to be the nominee of the Democratic party for the office of Solicitor of the Police Court of the City of Asheville, and his name ordered placed upon the ballot to be used at the General Election on May 14, 1963 as his party's candidate for such office:

William C. Hampton

Section 4. That a certified copy of this resolution, with the tabulation set forth in said Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

We, members of the Municipal Board of Elections of the City of Asheville, North Carolina DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution entitled: "RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE PRIMARY ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY AND THE REPUBLICAN PARTY, AND THE OFFICE OF SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE FOR THE DEMOCRATIC PARTY, HELD APRIL 9, 1963, AND DECLARING THE RESULT THEREOF", which was duly adopted on April 10, 1963 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 3, beginning at page 133 and ending at page 137, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 11 day of April, 1963.

S/ Edison Hill
S/ Irwin Monk

Members of the Municipal Board of Elections of the City of Asheville

The City Manager presented the statement showing the budget position of the City of Asheville for the period ending March 31, 1963.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, April 18, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 18, 1963, at 4:00 o'clock P. M. Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition signed by all interested property owners was received requesting that an unopened alley behind St. Mary's Episcopal Church on Charlotte Street be closed.

This request was referred to the Corporation Counsel for the drawing of the necessary resolution setting date for public hearing to consider said request.

A request was received for the rezoning of Lots 43, 44, 45 and 47-1/2, Ward 8, Sheet 18 ... Residential District to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager advised that today is the date set for a public hearing on the zoning of certain property annexed by the City last year at Sunset Summit and Crowning Way Drive.

There being no objection, Councilman Algary introduced Ordinance #476, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye
Councilman Morris voted "aye"
Councilman Sumner voted "aye
Mayor Eller voted "aye"

The City Manager advised that today is the date set for a public hearing on the closing of the ... extender of Wilbar Avenue.

There being no objection, Councilman McRary introduced a resolution authorizing abandonment and disclaiming any public interest in portion of Wilbar Avenue, which was, upon motion of Councilman McRary, seconded by Councilman Morris, adopted with Councilman Sumner abstaining from voting.
Complete copy of resolution will be found in Resolution Book 4 at page 238.

The City Manager advised that the Civic Committee for Air Pollution had recommended the appointment of certain persons as members of the Appeal Board created by Ordinance #310.

Action was deferred on this matter due to the fact that one of the persons so recommended was not a resident of the City of Asheville.

The City Manager reminded the Council that the city has an agreement with the Murphy estate for certain property along Fairview Road for a fire substation, which lease agreement is for a five year period with an option to purchase for $10,000.00; and advised that this property is now available to acquire, including several acres adjoining. The City Manager stated that in line with the city's established policy of developing community centers in connection with fire substations, and in this case outside playground activities, he would like authority to enter into an option agreement with the members of the Murphy family to purchase all of their interest in this area, which purchase would be subject to Council approval.

Councilman Sumner moved that the City Manager be so authorized, which motion was seconded by Councilman McRary and unanimously adopted. Mr. Sumner also requested that members of the Council inspect this property.

Councilman Algary brought to the attention of the Council that some misinformed persons have been circulating rumors that the City Manager has a personal interest in firms doing business with the city, which statements he was sure were not correct, and pointed out that state statutes forbid any City Councilman or city executive to have such business connections.

The City Manager stated that he was pleased to speak on the subject, and that he had no interest whatsoever and has never had any interest in any private enterprise doing business with the city, and that the only income he had was what the city paid him. The City Manager further stated that the state's Corrupt Practices Act prohibits any municipal or county employee to have connections with any firm with which the governmental unit does business, and that this law is adhered to by Asheville's city government.

Councilman McRary stated he had been hearing such rumors for years, that he had investigated them thoroughly, and was convinced that there is no such connection by the City Manager.

Councilman Morris noted that the tourist season is getting under way, and urged that all city employees be alerted to be more courteous to visitors. Mr. Morris further asked that more effort be made to clean up trash, particularly in the downtown area.

The City Manager advised that the city employees are trained to be courteous to visitors, and that the litterbug problem was improving, but that the city's street cleaning efforts would be stepped up, and asked the cooperation of the public in this effort.

Councilman Mulvaney recalled the mixup in the 1961 city general election in regard to the voting machines, and asked what steps have been taken to insure there will be no repetition in the upcoming city election.

The City Manager advised that the Board of Elections has ordered all machines inspected to be sure they are set properly, and that a properly set voting machine has been placed in the lobby of the City Building for trial use by voters.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, April 25, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, April 25, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, T. B. Sumner, J. W. McRary, C. E. Morgan, E. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Ordinance No. 476, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

The Council discussed the proposed license and privilege tax ordinance, and it was suggested that the schedules of other cities be obtained for comparison purposes.

Following the discussion, Councilman Morgan introduced Ordinance No. 477, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1963 AND ENDING MAY 31, 1964", which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

The City Manager advised that a request has come to the Council concerning a distressed property on Choctaw Street, the buyer having requested the Board of Tax Supervision to reappraise the property, and figure the taxes on this appraisal, and in effect place this property back on the tax rolls by making an adjustment of back taxes in the amount of $4,500, and that attorneys examining the title concur in this request and ask that the City of Asheville and County of Buncombe approve this settlement.

Following a discussion, Councilman Algary introduced a resolution authorizing Board of Tax Supervision to execute quitclaim deed to Howard Beidler and wife, Clara R. Beidler, for its interest in and to Lots 27 and 28, Sheet 7, Ward 6, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 239.

Councilman Morris introduced a resolution providing for a public hearing on petition to [illegible] Lot 7, Block "D" and Lots 1, 2 and 3, Block "D" of the plats of Proximity Park, which was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 240.

[illegible] presented the Annual Report of the Police Department for the period ending [illegible].

[illegible] presented a petition signed by twenty-five persons asking for removal of two obsolete buildings on Westwood Place.

The City Manager advised that both buildings have been condemned, that one is now being removed, and the other will be removed shortly.

Miss Fannie McCoy again urged the Council to withdraw its support of the Urban Renewal [illegible] north of the City-County Plaza.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, May 2, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 2, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, Ralph D. Morris, E. F. Mulvaney, C. E. Morgan, E. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that Lots 43, 44, 45, 61-1/2 and 44-1/4, Sheet 18, Ward 8 be rezoned from RA-6 Residential District to Neighborhood Trading [illegible]

May 1, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached letter:

It was moved, seconded, and passed unanimously that the Commission recommend that Lots 43, 44, 45, 61-1/2 and 44-1/4, Sheet 18, Ward 8, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Respectfully yours,

/s/ Anthony Redmond
Anthony Redmond,
Secretary

AR:mr
Encl:
CC AS - H 17.25

Upon motion of Councilman Morgan, seconded by Councilman Algary the Council accepted this recommendation, said amendment to be considered at a time to coincide with other hearings on similar zoning requests, and City Clerk to set a date for said public hearing.

An offer was received from W. I. Loftin, attorney, for $40.00 per front foot for city-owned property with a 50 foot frontage on Riverside Drive.

Upon motion of Councilman McRary, seconded by Councilman Mulvaney, the Corporation Counsel was directed to draw a resolution authorizing the City Manager to advertise this property for sale at public auction.

A petition, signed by some 200 residents in the Fletcher Community, was received requesting that the City of Asheville extend into this community in Henderson County transmission lines for a public water distribution system to serve the Fletcher Community.

The City Manager advised that, contrary to earlier belief, no legislative action will be required to authorize extension of water service across the county line. The City Manager stated this extension had been discussed with the attorney for the Community, who had been informed that the Council, upon proper petition, would consider this extension, with the understanding that the water rates would be 50% higher than those charged in Buncombe County, that individual users would pay for individual taps at $75.00 per tap if made in pavement and $45.00 per tap if made in unpaved street, and that said petition seemed to be in order. The City Manager advised that this matter now becomes an administrative matter, and that details can be worked out for accepting applications, advertising for necessary materials, and that the city is in a financial position to make this improvement which would provide service to a neighboring community.

Upon motion of Councilman Sumner, seconded by Councilman Morgan, the City Manager was authorized to proceed.

[illegible] ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE'

Ordinance No. 476, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 476

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as designated on said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned RA-10 RESIDENTIAL DISTRICT:

BEGINNING at the point where the present city limit line intersects the center line of Town Mountain Road on Sunset Mountain, and runs thence with said city limit line North 12 deg. 31' East 975.4 feet; thence North 13 deg. 04' West 430 feet to a concrete monument; thence with the present city limit line South 89 deg. 59' West 1558.4 feet to a concrete monument; thence with the existing city limit line North 0 deg. 01' West 961.3 feet to an iron pipe; thence with the present city limit line South 89 deg. 56' East 282 feet to an iron pipe; thence continuing in the same direction, to-wit South 89 deg. 56' East, 1566.98 feet, more or less, to the western margin of Town Mountain Road; thence in a southerly direction with Town Mountain Road the following calls: South 8 deg. 47' West 340 feet; South 11 deg. West 300 feet; South 1 deg. East 145 feet; South 10 deg. East 140 feet; South 0 deg. 30' West 200 feet; South 5 deg. East 270 feet; South 10 deg. 40' West 515 feet; South 32 deg. 40' West 85 feet; South 53 deg. 40' West 140 feet; South 43 deg. 20' West 320 feet, more or less, to the point of BEGINNING.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 18 day of April, 1963.

W. F. Algary
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 2 day of May, 1963, to become effective 17 day of May, 1963.

E. W. Eller
MAYOR

ATTESTED AS TO FORM:

O. E. Starnes, Jr.
ASSISTANT COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that comparison of Asheville's privilege licensing schedules with those of Charlotte, Greensboro, Winston-Salem and Raleigh indicates the need of a general upgrading of Asheville's, but recommended that the present schedules be adopted, and then revised later after a complete study has been made.

Mr. Richard Putnam, representing the Buncombe County Professional Photographers Guild, requested that a tax be imposed to impose a $100 tax provided in the licensing ordinance for "itinerant" photographers on all registrations of out-of-town photographic firms doing business in the city, and asked that the $100 tax be also imposed on all school teachers and store clerks acting as agents for out-of-town photographic firms.

The Council requested the City Manager to include consideration of Putnam's request in his study to be made of the licensing schedules.

Following the discussion, Ordinance No. 477, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND PRESCRIBING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1963 AND ENDING MAY 31, 1964 was upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that after due advertisement as provided by law sealed bids were received on April 29th for timber on a portion of the North Fork Watershed as follows:

Georgia-Pacific Corporation	Augusta, Ga.	$ 87,978.12
J. Mack Thompson	Burnsville, N. C.	100,719.26
Gennett Oak Flooring Company	Asheville, N. C.	156,000.00
Andrew Gennett, Julia Cennett Lambeth, Nathaniel C. W. Gennett, Jr., and Andrew Gennett, Trustee for the Estate of Carter Gennett, partners and doing business as Cennett Lumber Company	Asheville, N. C.	165,521.97

recommended that the bid of Gennett Lumber Company, being the highest bid received, be accepted.

Councilman Morgan then introduced a resolution accepting bid of Gennett Lumber Company (a partnership), and directing the City Manager to execute a timber sale contract with said Lumber Company, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 241.
Copy of contract will be found attached to original resolution.

BOARD - NOISE ABATEMENT -
APPOINTMENT OF MEMBERS (William Vernon, Zeb Lee, Nat T. Cla[illegible] and S. E. Ga[illegible]

Councilman Morris introduced a resolution appointing members of Appeal Board in accordance with Ordinance 310, as amended, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 242.

SMITH CREEK - REQUEST

Mr. Frank Parker, attorney for owners of business establishments between Patton Avenue and Smith Mill Creek, advised the Council that silting of the creek caused by grading and filling in the area, by obstructions in the creek bed, and by breaks in water mains, had caused the raising of the creek bed until it is above the level of storm sewer outlets and floods after rains, and requested the city to straighten and deepen the creek bed.

The City Manager advised that the creek is on private property, and the city cannot undertake to construct improvements without becoming involved in disagreements with property owners, and further that the problem is not limited to Smith Mill Creek, but is common to drainage watercourses throughout the city. The City Manager further advised that the City Charter provides for creation of drainage districts, and recommended that this provision be followed by creation of a drainage district for the length of the creek from the city limits to the French Broad River, the cost of improvements made by the drainage district to be assessed against the property owners in the district.

Following the discussion the Council requested that an engineering study of the creek be made, including boundaries of the proposed drainage district, and report be made back to the Council in this matter.

The City Manager presented the audit report of the City of Asheville Board of Alcoholic Control for the period ending March 31,1963.

There being no further business, the meeting was upon motion adjourned.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 9, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 9, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request was received from the Carmelite Nuns of the Diocese of Raleigh, Inc. that Lots 60 and 61 on Sheet 15, Haw Creek, Buncombe County Tax Maps, be rezoned from Residential District to Institutional District. This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Mountainbrook" provided certain minor changes are made prior to its being recorded.

May 9, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Mountainbrook" prepared by S. W. Huddleston for Pioneer Land Developers, Inc. and dated April 20, 1963, shows the subdivision of real estate off Chunn's Cove Road.

The preliminary plat of this subdivision was reviewed by this Commission at a regular meeting held December 5, 1962. It is recommended that this final plat be given your approval, provided that the following minor changes are made prior to its being recorded:

1. That the two street stubs shown on the plat as "future streets" be changed to show

the as dedicated rights-of-way.

2. That radii meeting the standards of the Subdivision Regulation be shown at the intersection of these two stubs with other streets.

3. That Hollow View Drive refer to the entire street right-of-way shown between the two cul-de-sacs, and

4. That the street formed by the two stubs and what is now referred to as part of Hollow View Drive be properly named.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

[illegible]
[illegible]
[illegible] 15.30

Councilman Morgan moved that the above plat with the changes above set out be approved by the Council in accordance with the requirements of Ordinance 424, which motion was seconded by Councilman Mo[illegible] and was unanimously adopted.

Councilman Sumner stated he has received complaints of some fares charged by the taxicab companies under the zone system and that it was his understanding that meters were to be installed in taxicabs [illegible] June 1st.

The City Manager advised that the cab companies are asking for a six months delay in [illegible] the meters.

Councilman Morgan suggested that information be secured from other cities on this matter. [illegible] action was taken by the Council.

Ordinance No. 477, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE [illegible] AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1963 AND ENDING MAY 31, [illegible] was upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously passed on its third [illegible] with the following vote:

Councilman McCary voted "aye" — Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 477

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1963 AND ENDING MAY 31, 1964.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations or doing the act named, or selling or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of June, 1963, to the thirty-first day of May, 1964, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by September 1, 1963, 2% per month of the amount of such license shall be added to the tax required, and no license shall be issued until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of the two (2%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be assignable or transferable except with consent of the City Manager.

Section 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, profession, vocation or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Wheels, or Knife Racks.

5. Penny Arcades.
6. Pool, Pin Boards, Pigeon Hole Machines, or other similar devices.
7. Any kind of Table, Stand, Pla[illegible] for which charge is made for the use thereof.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Ball Games, Sport Arenas, [illegible]
9. Phrenologists.
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Malt Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Stations, and Service Stations, or [illegible]

(b) A license may be refused for any one or more of the following reasons: If the Director of Finance shall be satisfied that the applicant, or any member of a firm, or any officer of a corporation applying for a license is not of good moral character, or is not willing to conduct such business in accordance with the law, or that the location or place of business proposed is unsuitable for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, dance halls or places where dancing is permitted, and also restaurants, cafes, soda fountains, or places where soft drinks are sold, shall not have screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all law and ordinances now in force or hereafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbrokers	$1,000.00
2. Junk Dealers	$1,000.00
3. Electrical Contractors	$1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	$1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00	100.00
Doing such work costing over $300.00	$1,000.00
7. House movers	500.00

Section 5.

That whenever the word "person" is used in this ordinance, the same shall be construed to include firms", "companies", "corporations", and "associations".

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any licenses until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1963, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

When any business is begun after Jan. 1, 1964 the licensee shall pay for such business and the privilege of operating same one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Sub-section B, of the Revenue Act of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such license tax be paid within thirty (30 days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision,

...dollars. Each day such business is conducted after a revocation or s...

Section 12.

...shall be the duty of the Director of Finance to see that the Solicitor of the Police... a list of all unpaid license taxes for the fiscal year of 1963-1964, and it shall be... to issue warrants for all delinquents, and to prosecute as violators... paid or forfeit a penalty as provided in this ordinance.

Section 13.

...person who shall violate any provision of this ordinance, or carry on any busi... for which a license tax has been fixed, without having first paid the... shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day a... a separate and distinct offense.

Section 14.

...presumed that the location of the business or the kind of... ordinance, however, if same is prohibited or found to be illegal... or has the authority to revoke the license.

Section 15.

...Section 15, of Ordinance No. 398 entitled "AN ORDINANCE LEVYING AD... AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEG... as recorded in City of Asheville Docket 33 of the Minutes of the Fi... page 65, through 111 and a portion of 512, and as same as recorded in City of Asheville... pages of the City Council, at pages 90 through 143 and a portion of page 144, be and the same... and incorporated herein and made a part hereof as fully as if set out at length... all ordinances thereto.

Section 16.

...person who shall willfully make any false statement in an application for license... ordinance or schedule shall upon conviction, be liable for a penalty of fifty ($50.00)...

Section 17.

...all ordinances or parts of ordinances in conflict with this ordinance are hereby... repeal shall in no way affect any rights heretofore acquired for the collection of... made, or any right heretofore acquired under any ordinance of this city.

Section 18.

That this ordinance shall become effective June 1, 1963.

...the adoption of the foregoing ordinance, this the 25 day of April, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

...read, approved and adopted by the Council on first reading, 25 day of April, 1963, with all ... of the Council present voting "aye"; read, approved and adopted by the Council on second reading ... day of May, 1963, with all members of the Council present voting "aye"; and upon its third reading approved ... adopted on the ... day of May, 1963, with all members of the Council present voting "aye". This ordinance shall ... become effective ... day of June, 1963.

E. W. Eller
MAYOR

...
Margaret Simmons
CITY CLERK

...Council at Morgan introduced a resolution authorizing City Manager to advertise for public ... said certain property on Riverside Drive, which was, upon motion of Councilman **Morgan**, seconded by Councilman ... unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 243.

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Councilman McRary introduced a resolution directing Mayor to execute deed to James E. Walker, Jr. and John ... Walker, which was, upon motion of Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 244.
Copy of deed will be found attached to original resolution.

The City Manager presented the statement showing the budget position of the city for the period ending April 30, 1963.

The City Manager advised that the bond attorneys have requested that this meeting be

...adjourned until 10:00 o'clock A. M. on Wednesday, May 15, 1963, for the purpose of canvassing the returns of the ... Election, the Council to meet with the Board of Elections at said time.

Councilman Morgan moved that this meeting be adjourned until Wednesday, May 15, 1963, at ... o'clock A. M., which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Margaret Simmons
CITY CLERK

Wednesday, May 15, 1963 - 10:00 o'clock A. M.

The Council of the City of Asheville, North Carolina, met in adjourned regular session at the City Hall, the usual place of meeting, at 10 o'clock, A.M., on May 15, 1963.

Present: Mayor E. W. Eller, presiding, and Councilmen J. W. McRary, F. M. Mulvaney, W. F. Algary, Ralph D. Morris, and C. E. Morgan.

Absent: T. B. Sumner

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

Councilman Algary introduced in written form the following resolution which was read:

**RESOLUTION CANVASSING THE RETURNS OF
THE ELECTION HELD ON MAY 14, 1963,
UPON THE QUESTIONS OF ISSUING BONDS
OF THE CITY OF ASHEVILLE, AND DETERMINING
AND DECLARING THE RESULT THEREOF.**

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the result of the election held in the City of Asheville on May 14, 1963, upon the questions of issuing bonds of the City of Asheville, having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare:

(a) That each registrar and judge for said election was duly qualified by law and had taken the necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against each question submitted, but also the number of voters registered and qualified to vote in each precinct in said election.

(c) That at the regular municipal election held in the City of Asheville on May 14, 1963, there were submitted to the qualified voters of said City the following questions:

1. **Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?**

2. **Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?**

3. **Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?**

4. **Shall an ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving gradeseparations, including pedestrian bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?**

(d) That no complaint has been made to the Council against the regularity of said election.

(e) That said election and the registration therefor were duly and properly held in accordance with law.

Section 2. That the following schedule correctly shows the designations of the precincts and the location of the polling places at which said election was held, the number of voters registered and qualified to vote in each precinct, the number of votes cast in each precinct in favor of each question submitted, the number cast against each question and the totals of such numbers:

Precincts	Polling Places	Voters registered and qualified to vote	$456,000 Redevelopment Bonds	
			Votes for	Votes against
1	Court House	1477	358	112
2	William Randolph School	2709	553	286

Precincts	Polling Places	Voters registered and qualified to vote	$456,000 Redevelopment B: Votes for	Vo
3	Claxton School	2464	566	..
4	North Asheville Community Center	2245	743	...
5	Grace School	1858	662	...
6	Haw Creek School	2202	530	...
7	Newton School	1549	476	...
8	Biltmore School	747	103	...
9	Oakley School	1402	198	...
10	Livingston Street School	1438	546	...
11	Aston Park	1832	198	...
12	Hall Fletcher School	1367	240	...
13	Eugene Rankin School	1772	256	...
14	Aycock School	1187	179	...
15	Vance School	2670	596	...
16	West Asheville Community Center	1885	349	...
17	Asheville Art Museum 324 Charlotte Street	1261	385	...
	Totals	30,065	6,938	...

	$72,000 Storm Sewer Bonds		$12,000 Public Park Bonds		$210,000 Grade Separation Bonds	
	Votes		Votes		Votes	
Precinct	for	against	for	against	for	against
1	353	107	358	106	353	103
2	537	258	534	258	521	269
3	545	275	539	262	532	281
4	742	316	725	328	706	332
5	642	361	649	358	638	372
6	522	414	512	421	503	428
7	447	245	460	238	451	246
8	101	104	102	98	97	103
9	174	243	177	236	169	243
10	549	16	549	17	551	17
11	197	103	191	102	187	109
12	235	169	233	167	232	170
13	243	210	239	206	243	207
14	176	156	176	159	171	158
15	582	524	571	535	570	541
16	332	328	327	337	325	346
17	382	175	375	182	369	189
Totals	6,759	4,004	6,717	4,010	6,618	4,114

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 30,065 voters were registered and qualified to vote.

(b) That at said election 6,938 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,236 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(c) That at said election 6,759 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4004 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(d) That at said election 6717 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,010 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(e) That at said election 6,618 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrain bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,114 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Algary, seconded by Councilman Morgan, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE ELECTION HELD ON MAY 14, 1963, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE ELECTION HELD ON MAY 14, 1963, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman McRary introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE ELECTION HELD ON MAY 14, 1963, IN THE CITY OF ASHEVILLE, NORTH CAROLINA, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the election held in the City of Asheville on May 14, 1963:

STATEMENT OF RESULT OF THE ELECTION UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE SUBMITTED TO THE VOTERS OF SAID CITY AT THE REGULAR MUNICIPAL ELECTION HELD ON MAY 14, 1963.

At the election held in the City of Asheville, North Carolina, on May 14, 1963, 30,065 voters were registered and qualified to vote.

At said election 6,938 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,236 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

At said election 6,759 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4004 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

At said election 6717 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may

Precincts	Polling Places	Voters registered and qualified to vote	$456,000 Redevelopment Bonds Votes for	Votes Against
3	Claxton School	2464	566	298
4	North Asheville Community Center	2245	743	337
5	Grace School	1858	662	372
6	Haw Creek School	2202	530	452
7	Newton School	1549	476	256
8	Biltmore School	747	103	119
9	Oakley School	1402	198	262
10	Livingston Street School	1438	546	18
11	Aston Park	1832	198	115
12	Hall Fletcher School	1367	240	173
13	Eugene Rankin School	1772	256	211
14	Aycock School	1187	179	161
15	Vance School	2670	596	525
16	West Asheville Community Center	1885	349	350
17	Asheville Art Museum 324 Charlotte Street	1261	385	189
	Totals	30,065	6,938	4,236

	$72,000 Storm Sewer Bonds		$12,000 Public Park Bonds		$210,000 Grade Separation Bonds	
	Votes		Votes		Votes	
Precinct	for	against	for	against	for	against
1	353	107	358	106	353	103
2	537	258	534	258	521	269
3	545	275	539	262	532	281
4	742	316	725	328	706	332
5	642	361	649	358	638	372
6	522	414	512	421	503	428
7	447	245	460	238	451	246
8	101	104	102	98	97	103
9	174	243	177	236	169	243
10	549	16	549	17	551	17
11	197	103	191	102	187	109
12	235	169	233	167	232	170
13	243	210	239	206	243	207
14	176	156	176	159	171	158
15	582	524	571	535	570	541
16	332	328	327	337	325	346
17	382	175	375	182	369	189
Totals	6,759	4,004	6,717	4,010	6,618	4,114

and declared:

Section 3. That from the canvass so made by this Council it is judicially determined

(a) That at said election 30,065 voters were registered and qualified to vote.

(b) That at said election 6,938 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,236 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(c) That at said election 6,759 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4004 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(d) That at said election 6717 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,010 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

(e) That at said election 6,618 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrain bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,114 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the City Council, shall be filed in the archives of the City for public inspection.

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Corporation Counsel

Mayor

City Clerk

Upon motion of Councilman Algary, seconded by Councilman Morgan, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE ELECTION HELD ON MAY 14, 1963, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Morgan, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE ELECTION HELD ON MAY 14, 1963, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman McRary introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE ELECTION HELD ON MAY 14, 1963, IN THE CITY OF ASHEVILLE, NORTH CAROLINA, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the election held in the City of Asheville on May 14, 1963:

STATEMENT OF RESULT OF THE ELECTION UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA, WHICH WERE SUBMITTED TO THE VOTERS OF SAID CITY AT THE REGULAR MUNICIPAL ELECTION HELD ON MAY 14, 1963.

At the election held in the City of Asheville, North Carolina, on May 14, 1963, 30,065 voters were registered and qualified to vote.

At said election 6,938 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Redevelopment Bonds in an aggregate principal amount not exceeding $456,000 for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,236 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

At said election 6,759 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Storm Sewer Bonds in an aggregate principal amount not exceeding $72,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4004 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

At said election 6717 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may

now or hereafter have power or authority to contract, and in evidence thereof to issue Public Park Bonds in an aggregate principal amount not exceeding $12,000 for the purpose of providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,010 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

At said election 6,618 votes were cast for the ordinance passed on April 4, 1963, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Grade Separation Bonds in an aggregate principal amount not exceeding $210,000 for the purpose of providing funds, with any other available funds, for the purpose of constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4,114 votes were cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

This statement is given by order of the City Council of the City of Asheville, this 15th day of May, 1963.

_____
Mayor

_____

_____

_____

_____

_____

_____
Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

MARGARET SIMMONS
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

Upon motion of Councilman McRary, seconded by Councilman Mulvaney, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE ELECTION HELD ON MAY 14, 1963, IN THE CITY OF ASHEVILLE, NORTH CAROLINA, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Morgan, and Mayor Eller

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE ELECTION HELD ON MAY 14, 1963, IN THE CITY OF ASHEVILLE, NORTH CAROLINA, UPON THE QUESTIONS OF ISSUING BONDS OF THE CITY OF ASHEVILLE" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

A communication was received from Carmichael & Company offering to purchase a tract of approximately seven acres at the Asheville Airport, which property is located on the north side of the Asheville Airport Road and east of the proposed I-26, for the sum of $6,000.00.

This offer was referred to the City Manager for study and report back to the Council.

The City Manager presented a report from the Municipal Board of Elections showing the results of the General Election held on May 14, 1963.

MUNICIPAL BOARD OF ELECTIONS

Asheville, N. C.

May 15, 1963

Mr. Weldon Weir,
City Manager,
Asheville, N. C.

Dear Sir:

WHEREAS, on Tuesday, May 14, 1963 the Municipal General Election for officials of the City of Asheville was held for the City of Asheville for the Democratic and Republican candidates for City Councilmen; for Democratic candidate for Judge of Police Court of the City of Asheville; and for Democratic candidate for Solicitor of Police Court of the City of Asheville; and

WHEREAS, on Tuesday, May 14, 1963, an election was held upon the issuance of bonds of the City of Asheville; and

WHEREAS, certificates of result of said General Municipal Election and Bond Election were certified by the election officials to the Municipal Board of Elections and to the Chief Executive Officer of the City of Asheville by 10:00 o'clock A. M. on May 15, 1963, and in addition thereto certificates of result of said bond election were certified by the election officials to the Council of the City of Asheville by 10:00 o'clock A. M. on May 15, 1963; and

WHEREAS, said Municipal Board of Elections canvassed and tabulated said official returns from all 17 city polling precincts for both the General Municipal Election and the Bond Election; and

WHEREAS, the results of both of said elections were published immediately by reading at the front door of the City Hall;

NOW, THEREFORE, attached hereto find certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the election upon the issuance of bonds held May 14, 1963 and declaring the result thereof, together with sworn statement of the members of the Board of Elections tabulating such returns.

Also, find attached hereto certified copy of resolution of the Municipal Board of Elections relating to the canvassing of the returns of the General Municipal Election for seven offices of Councilmen of the City of Asheville, for Judge of the Police Court of the City of Asheville, and for Solicitor of the Police Court of the City of Asheville, and declaring the result thereof, together with sworn statement tabulating such returns.

Yours very truly,

S/ Edison Hill
Chairman

S/ Irwin Monk
Secretary

S/ Eugene P. Coston

RESOLUTION RELATING TO THE CANVASSING OF THE RETURNS OF THE GENERAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, FOR JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE, AND FOR SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE, HELD MAY 14, 1963, AND DECLARING THE RESULT THEREOF

BE IT RESOLVED BY THE MUNICIPAL BOARD OF ELECTIONS OF THE CITY OF ASHEVILLE:

Section 1. That the returns of the General Municipal Election for City Councilmen, for Judge of Police Court, and for Solicitor of Police Court, held on May 14, 1963 in the City of Asheville having been received from the registrars and judges of election in the various precincts of the city, and this Board having canvassed the same, the following facts are hereby found and determined:

(a) That each registrar and judge for said General Municipal Election for city officials, for Judge of Police Court, and for Solicitor of Police Court held in the City of Asheville on May 14, 1963 was duly qualified by law and had taken the necessary oath.

(b) That the election officers had incorporated in their returns the number of votes cast for Councilmen in each precinct.

(c) That no complaints have been made to this Board against the regularity of said election and this Board believes that said election was conducted in full compliance with law and the orders of this Board.

Section 2. That from the canvass so made this Board has judicially determined the result of the voting in said General Municipal Election, and makes the following tabulation of the returns of said election, which tabulation correctly shows the designations of the several precincts at which such election was held, and the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and the totals of such numbers:

DEMOCRATIC PARTY

	PRECINCTS											
For Councilmen	1	2	3	4	5	6	7	8	9	10	11	12
William F. Algary	523	754	678	693	607	607	537	188	361	622	628	450
Earl W. Eller	533	752	677	716	653	622	545	185	360	619	633	439
J. Walter McRary	528	749	666	668	600	607	524	181	360	623	628	447
Clarence E. Morgan	528	761	684	712	631	619	537	185	366	622	629	451
Ralph D. Morris	527	732	665	669	589	608	524	180	362	619	618	440
Frank M. Mulvaney	524	739	663	684	602	608	528	174	358	620	621	447
Theodore B. Sumner	528	743	671	694	621	600	523	178	356	614	615	449
For Judge of Police Court												
John M. Cathey	534	751	684	694	635	647	554	186	362	618	614	448
For Solicitor of Police Court												
William C. Hampton	529	730	673	676	612	626	537	187	358	622	612	445

For Councilmen	13	14	15	16	17	TOTALS
William F. Algary	467	315	717	472	368	8987
Earl W. Eller	466	305	714	471	376	9066
J. Walter McRary	469	305	722	476	366	8919
Clarence E. Morgan	471	302	733	487	374	9092
Ralph D. Morris	462	301	695	466	349	8806
Frank M. Mulvaney	470	291	717	484	343	8873
Theodore B. Sumner	466	288	696	453	366	8861
For Judge of Police Court						
Sam M. Cathey	463	299	722	480	369	9060
For Solicitor of Police Court						
William C. Hampton	460	292	710	467	358	8894

REPUBLICAN PARTY
PRECINCTS

For Councilmen	1	2	3	4	5	6	7	8	9	10	11	12
Joel G. Barham	156	448	459	541	530	622	379	163	264	102	222	226
Bruce J. Franz	163	493	490	621	624	672	426	171	276	108	232	233
Don B. Moore	159	447	468	579	583	629	390	164	263	103	227	221
H. D. Nix	146	433	451	508	515	603	368	158	260	104	222	210
Doan R. Ogden	158	429	453	550	544	623	406	162	258	102	218	222
Kelly Roberts	155	435	458	527	521	597	381	159	267	100	228	223
Alan H. Shaw	153	432	457	548	534	613	385	155	267	103	225	219

For Councilmen	13	14	15	16	17	TOTALS
Joel G. Barham	284	208	529	411	315	589
Bruce J. Franz	288	217	557	433	386	639
Don B. Moore	285	209	531	402	334	599
H. D. Nix	280	206	503	393	301	567
Doan R. Ogden	278	202	518	390	332	584
Kelly Roberts	286	217	501	394	317	576
Alan H. Shaw	276	205	505	397	338	581

Dated this 15th day of May, 1963

S/ Edison Hill

S/ Irwin Monk

S/ Eugene P. Coston
Members of the Municipal Board of Elections

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me, this 15th day of May, 1963.

Margaret Simmons
Notary Public

My commission expires:
Jan. 6, 1964
(Seal)

Section 3. That from the canvass so made it is judicially determined and declared:

(a) That the following seven men were officially elected to the office of City Council for the City of Asheville:

William F. Algary
Earl W. Eller
J. Walter McRary
Clarence E. Morgan
Ralph D. Morris
Frank M. Mulvaney
Theodore B. Sumner

(b) That Sam M. Cathey was elected to the office of Judge of the Police Court of the City of Asheville.

(c) That William C. Hampton was elected to the office of Solicitor of the Police Court of the City of Asheville.

Section 4. That the result of said election shall be published immediately by reading at the front door of the City Hall, as required by the Charter of the City of Asheville.

Section 5. That a certified copy of this resolution, with the tabulation set forth in Section 2 made by the members of the Municipal Board of Elections under oath, shall be filed with the City Manager of the City of Asheville.

We, Members of the Municipal Board of Elections of the City of Asheville, North Carolina, HEREBY CERTIFY THAT the foregoing is a true, correct and complete copy of a resolution entitled "RESOLUTION RELATIVE TO THE CANVASSING OF THE RETURNS OF THE GENERAL ELECTION FOR SEVEN OFFICES OF COUNCILMEN OF THE CITY OF ASHEVILLE, AND FOR JUDGE OF POLICE COURT OF THE CITY OF ASHEVILLE, AND FOR SOLICITOR OF POLICE COURT OF THE CITY OF ASHEVILLE, HELD ON MAY 14, 1963, AND DECLARING THE RESULT THEREOF", which was duly adopted on May 15, 1963 by the Municipal Board of Elections of said City, and that said resolution is recorded in Minute Book 3, beginning at page 152, and ending at page 155, which Minute Book is kept in a public place in the City Hall as required by law.

WITNESS our hands, this 15th day of May, 1963.

S/ Edison Hill

S/ Irwin Monk

S/ Eugene P. Coston
Members of the Municipal Board of Elections of the City of Asheville, N. C.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Monday, May 20, 1963 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 20, 1963, with retiring Mayor E. W. Eller presiding.

The invocation was rendered by Dr. Walter Miller, pastor of Central Methodist Church.

The members of the City Council took the oath of office in a body, which oath was administered by the Honorable Zebulon Weaver, Clerk of the Superior Court, as follows:

COUNCILMEN:
E. W. Eller
W. F. Algary
J. W. McRary
Frank M. Mulvaney
Ralph D. Morris
Theodore B. Sumner
C. E. Morgan

Mr. Eller announced that the next order of business is the election of Mayor.

Councilman Sumner nominated Mr. Eller as Mayor, which nomination was seconded by Councilman Morris. Whereupon, Councilman Morgan moved that the nominations be closed, which motion was seconded by Councilman McRary, and Mr. Eller was elected Mayor by unanimous vote.

Councilman Morgan nominated Frank M. Mulvaney as Vice-Mayor, which motion was seconded by Councilman Morris. Councilman Algary moved that the nominations be closed, which motion was seconded by Councilman McRary, and Mr. Mulvaney was unanimously elected Vice-Mayor.

APPOINTMENT OF CITY MANAGER

Councilman Mulvaney, after expressing praise for the efficient manner in which Mr. Weir has conducted the duties of his office, nominated Mr. Weldon Weir as City Manager, which motion was seconded by Councilman Algary. There being no further nominations, a vote was taken and Mr. Weir was unanimously elected as City Manager.

Councilman Morris nominated Mr. O. E. Starnes, Jr. for Corporation Counsel, which motion was seconded by Councilman Morgan. There being no further nominations, a vote was taken and Mr. O. E. Starnes, Jr. was unanimously elected as Corporation Counsel.

Councilman McRary nominated Miss Margaret Simmons for City Clerk, which motion was seconded by Councilman Mulvaney. There being no further nominations, a vote was taken and Miss Margaret Simmons was unanimously elected as City Clerk.

Councilman Sumner nominated Mr. John L. Huntsman as Director of Civil Service, and Mr. Samuel J. Fisher as a member of the Civil Service Board, which motion was duly seconded by Councilman McRary. There being no further nominations, a vote was taken and Mr. John L. Huntsman was elected as Director of Civil Service, and Mr. Samuel J. Fisher was elected a member of the Civil Service Board.

The oath of office was administered to the City Manager, Corporation Counsel and City Clerk by the Honorable Zebulon Weaver, Clerk of Superior Court.

Councilman Morgan introduced a resolution designating banking depositories for city funds, which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously adopted.

Councilman Sumner requested that deposits be divided as equally as possible among the designated banking depositories.

Complete copy of resolution will be found in Resolution Book #4 at page 250.

Councilman Mulvaney introduced a resolution designating the officers and employees who shall give bond for performance of their duties and setting amounts thereof, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 251.

Councilman McRary introduced resolution prescribing the time and day of the weekly meeting of the City Council, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 252.

Councilman McRary moved that the salaries of city officials and employees be continued at the present rate until further notice, which motion was seconded by Councilman Sumner and unanimously adopted.

The minutes of the previous meeting were read and approved.

Mr. Weir expressed appreciation for his appointment and assured full cooperation with the hope to improve the economy of Asheville by continuing the growth so well established in the last few years.

Mr. Weir announced that all administrative personnel are reappointed to their present positions for the new term.

The City Manager proposed the adoption of a pension plan for employees of the City of Asheville other than Police and Fire Departments, and proposed the establishment of a work week for the Police and Fire Departments more in line with other cities across the state.

"The Police and Fire Departments have had a generous retirement plan since 1939. Other employees of the City of Asheville are covered, insofar as retirement is concerned, under Social Security.

"It is requested that the following policy be adopted as a pension plan for employees of the City of Asheville other than Police and Fire Departments"

"For employees of the respective departments of the City of Asheville, Fire and Police excepted, having fifteen years of continuous service and reaching retirement age under the Social Security formula, that the respective departments, other than Police and Fire, be authorized to include an item in their budgets for retirement of such employees for 50% of the amount paid by Social Security, not to exceed $40.00 per month. Said retirement as outlined above to be paid on a monthly basis as long as the employee receives Social Security benefits.

"The effective date of this plan is to be January 1, 1964.

"As to the Police and Fire Departments, consideration has been given to establishing a work week more in line with other cities across the state, and the Chief of each of these departments has been requested to work out a schedule whereby Policemen and Firemen will be off two days each week. The established policy at the present time is for employees of each department to be off one day each week."

The City Manager advised that budget studies are now under way, and asked permission for the respective department heads to submit budgets on this basis, same to be reviewed at budget meetings later on.

The matter was discussed by the Council, and the City Manager was authorized to so proceed.

Councilman Sumner again brought up the matter of taxicab meters, and was advised that the cab companies are to install these meters within this calendar year, the rate schedules to be approved by the Council.

Mayor Eller expressed the appreciation of the Council for the vote of confidence given him and assured the citizens that the duties and responsibilities imposed upon the Council will be disposed of to the best of their ability.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY CLERK

Thursday, May 30, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, May 30, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Morgan introduced resolution appointing two members to the Library Board of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 253

Councilman Morgan requested that a letter be forwarded Mrs. C. M. McCracken expressing appreciation for her services while a member of the Library Board.

Councilman Mulvaney introduced a resolution endorsing Senate Bill 1061 and House Bill 4700, known as Minimum Rate Bill, which was, upon motion of Councilman Mulvaney, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 254.

Councilman Algary introduced a resolution authorizing and directing Mayor and City Clerk to execute lease with Asheville Oil Company for certain property near the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 255.
Copy of lease will be found attached to original resolution.

The City Manager advised that today is the date set for the hearing on the proposed closing of a public alley lying between Lot 4, Block "D" and Lots 1, 2 and 3, Block "D" of the plats of Proximity Park, and that advertisement had been made as provided by law.

There being no objection to the closing of said alley, Councilman Morgan introduced a resolution authorizing abandonment and closing and disclaiming any public interest in the public alley lying between Lot 4, Block "D" and Lots 1, 2 and 3, Block "D" of the plats of Proximity Park, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 256.

The Reverend James Ballard, pastor of Morningside Baptist Church, presented a petition asking for making Mineral Springs Road one way, and also asked for enforcement of a "no left turn" sign now in place at the rear exit of Buck's Restaurant into Mineral Springs Road and a "no right turn" sign at the rear entrance of McDonald's. Mr. Ballard as spokesman for a delegation from this area said speeding is common on this road and is a hazard to churchgoers and people living in the vicinity. Other speakers included Col. A. O. McClain, William A. Merritt, Mrs. P. E. Herron, John C. Walker, and Dr. James I. Cornwell.

The City Manager advised that there are legal problems connected with some of the solutions requested, and suggested that further studies be made in an effort to find a solution that can be legally enforced.

Members of the Council discussed the matter, and it was suggested that the police patrolling of the area be stepped up.

Mr. L. H. McCord, representing the Asheville-Buncombe County Citizens Organization, asked for Council help in retaining the services of Mrs. Leah M. Butler, negro truant officer in City schools, but was informed the request should be made to the City Board of Education.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY CLERK

Thursday, June 6, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 6, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, W. F. Algary, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An invitation was received from the Institute of Government to participate in the 1963 Schools for newly elected Mayors and Councilmen to be held in Chapel Hill on June 13th and 14th, in New Bern on June 17th, and Raleigh, and in Asheville at Asheville-Biltmore College on June 20th and 21st.

The City Manager advised that requests had been made for such a program to be conducted in this area, and he was pleased to see this schedule and hoped members of the Council would be able to attend, as well as officials from other cities in Western North Carolina.

The City Manager advised that petitions have been received for the paving of certain streets, and in order to establish a lien on all abutting properties it is necessary to pass a resolution authorizing these improvements.

Councilman Morris introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Crayton Place, Oakcrest Place, Oakland Avenue, Pine Burr Road, Sheppard Drive (from Baker Drive to Mont Terrace), Sunset Drive (commencing at its intersection with Old Toll Road and running in a northeastern direction to the city limits), and Violet Hill Circle, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 257.

The City Manager advised that the Director of the North Carolina Public Employees' Social Security Agency had requested the passage by the Council of a resolution in regard to certain employees, and the Corporation Counsel explained the terms of the resolution.

RESOLUTION FOR POLITICAL SUBDIVISIONS
REQUESTING REMOVAL OF THE EXCLUSION
WITH RESPECT TO PROPRIETARY FUNCTIONS

WHEREAS, the governing board of City of Asheville - 69-0560003(1) on May 31, 1951, adopted a resolution ordering and directing the Chairman of said board to prepare, with the cooperation of the Director of the North Carolina Public Employees' Social Agency, a suitable agreement or coverage plan as provided by law, for the purpose of making available to employees and eligible groups and classes of employees the benefits authorized by Chapter 562 of the Session Laws of 1951 (Article 2, Chapter 135 of the General Statutes of North Carolina: NOW THEREFORE, Be it resolved by the City Council of the City of Asheville in regular meeting, a quorum being present:

That the governing authority of this political subdivision of the State, to the extent of its lawful authority and power, did extend the benefits authorized by the Federal and State Acts cited herein to its eligible employees in proprietary functions and governmental or non-proprietary functions alike.

Upon motion of Councilman Mulvaney and seconded by Councilman Algary, the above resolution was introduced for passage and the same was duly passed, the following number voting in the affirmative: six; and the following number voting in the negative: None.

Complete copy of resolution will also be found in Resolution Book 4 at page 258.

The City Manager reported that under the procedure set up under the Civil Service Act Mr. James Bailey and Mr. Robert Y. Praytor had been elected by city employees as members of the Civil Service Board.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, June 13, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 13, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the rezoning of part of Lot 3, Ward 6, Sheet 20 on Leicester Highway and 200 feet in depth north from the center of Leicester Highway be rezoned from Residential to Roadside Business Area.

June 13, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held November 1, 1961, the following action was taken on the attached request:

It was moved, seconded and unanimously passed that that part of Lot 3, Ward 6, Sheet 20, on Leicester Highway and 200 feet in depth North from the center of Leicester Highway be rezoned from Residential to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr

Councilman Morgan moved that the above recommendation be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendation of the Planning and Zoning Commission, and to give notice and publication of a public hearing, which motion was seconded by Councilman Sumner and unanimously adopted.

Councilman Mulvaney introduced Ordinance No. 478, being "AN ORDINANCE REPEALING ARTICLE 23 OF CHAPTER III OF ORDINANCE NO. 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, SAID ARTICLE BEING ALSO KNOWN AS ORDINANCE 207, BEING 'AN ORDINANCE TO LIMIT AND REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE COMMUNITY'", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Mulvaney moved that the charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morgan and unanimously adopted.

Ordinance No. 478, being "AN ORDINANCE REPEALING ARTICLE 23 OF CHAPTER III OF ORDINANCE NO. 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, SAID ARTICLE BEING ALSO KNOWN AS ORDINANCE 207, BEING 'AN ORDINANCE TO LIMIT AND REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE COMMUNITY'", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 478, being "AN ORDINANCE REPEALING ARTICLE 23 OF CHAPTER III OF ORDINANCE NO. 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, SAID ARTICLE BEING ALSO KNOWN AS ORDINANCE 207, BEING 'AN ORDINANCE TO LIMIT AND REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE COMMUNITY'", was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 478

AN ORDINANCE REPEALING ARTICLE 23 OF CHAPTER III OF ORDINANCE NO. 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE, SAID ARTICLE BEING ALSO KNOWN AS ORDINANCE 207, BEING "AN ORDINANCE TO LIMIT AND REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE COMMUNITY"

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Article 23 of Chapter III of Ordinance No. 298, known as the Code of the City of Asheville, including Sections 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 and 648 thereof, said Article being also known as Ordinance 207, being "AN ORDINANCE TO LIMIT AND REGULATE THE USE OF BUILDINGS, STRUCTURES AND LAND FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND GENERAL WELFARE IN THE COMMUNITY", be and the same is hereby repealed.

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 13 day of June, 1963.

Frank Mulvaney
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 13 day of June, 1963, to become effective 28 day of June, 1963.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution urging total desegregation of all public and commercial facilities in the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, adopted with Councilman Sumner abstaining from voting.

Complete copy of resolution will be found in Resolution Book 4 at page 259.

Mr. Henry Fisher appeared before the Council and asked for higher pay for city Street and Sanitary Department employees.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 20, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 20, 1963 at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, W. F. Algary, F. M. Mulvaney, Ralph D. Morris and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved with one exception - Councilman Sumner stated he voted "no" on the resulotion urging total desegration of all public and commercial facilities in the City of Asheville.

A request was received from Lee, Lee & Cogburn, Attorneys for Citizens Express, Inc. that Lots 114 and 115D, on Sheet 2, Ward 3, Cumberland Avenue be rezoned from residential to commercial. This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman McRary introduced a resolution appointment members to the Boxing and Wrestling Commission for the City of Asheville to serve for a period of two years beginning June 26, 1963, which was, upon motion of Councilman McRary, seconded by Councilman Morris and unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 259.

Councilman Mulvaney introduced a resolution appointing members of the Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary and unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 260.

The City Manager presented the summer schedule of the Recreation Department

The City Manager presented the annual report of the Civil Service Board for the 1962-1963 fiscal year.

CIVIL SERVICE BOARD - EXAMINATION
Fire Department Eligible List of
[illegible] Attend special training

The City Manager requested that the Civil Service Board conduct an examination to qualify an eligible list of members of the Asheville Fire Department to attend special training in Fire Department administration and related courses, and requested that only members of the Fire Department born after January 1, 1920 be eligible to take the examination. He also advised that the Asheville Insurance Agents Exchange had made available a $500.00 scholorship to be used by the city to bear the expense of this special training, and asked that the eligible list be available not later than August 1, 1963.

CIVIL SERVICE COMMISSION -
[illegible] EXCEPTION UNDER
[illegible]

The City Manager requested that under rules and regulations of the Civil Service Commission that an exception be granted to Rule #4 for Intra Departmental Promotions (which rule prohibits promotion of an employee after reaching the age of 55 years), advising that if this exception is granted by the Council his office will request the Civil Service Commission to certify Captain R. L. Smith and Captain R. W. Pace to the position of Assistant Chiefs of the Asheville Fire Department without examination. The City Manager further advised that Mr. Smith and Mr. Pace would qualify for retirement within the next three years, and will be required to retire within the next eight years.

CITY MANAGER - STATEMENT

"Earlier this year the Council was informed of a plan to select a member of the Asheville Fire Department to attend several qualified schools on fire department administration, fire protection and fire fighting.

This is to advise that I am requesting the Civil Service Department to make such a selection at the earliest possible date. Only members of the Asheville Fire Department who were born after January 1, 1920 will be eligible to take the examination.

It is recalled that the Asheville Insurance Agents Exchange has made available a $500.00 scholorship to be used for this purpose. The applicant selected will enter this special training program in the fall of this year.

On January 9, 1963 Chief Dover of the Asheville Fire Department recommended the promotion of Captain R. L. Smith and Captain R. W. Pace as Assistant Chiefs effective January 1, 1963.

It is recommended that the Council make an exception to Rule 4 of Intre Departmental Promotions, and that Captain Smith and Captain Pace be certified as Assistant Chiefs without examination.

For your information Smith and Pace will qualify for retirement within the next three years, and will be required to retire within the next eight years.

If the exception to Rule 4 is approved by the Council, I will request the Civil Service Commission to certify these promotions."

Following a discussion, Councilman Sumner moved that under the rules and regulations of the Civil Service Commission that an exception be granted to Rule #4 for Intra Departmental Promotions for R. L. Smith and R. W. Pace, which motion was seconded by Councilman Mulvaney and unanimously adopted.

BUDGET ESTIMATE -
1963-1964

The City Manager presented the Budget Estimate for the City of Asheville for the fiscal year 1963-1964 as prepared by the City Manager, the same was placed on file for public inspection in the office of the City Clerk.

The City Manager advised that the only action required of the Council at this time was publication of the Notice of Presentation of Budget Estimate.

Councilman Morris moved that the City Clerk be directed to publish Notice of Presentation of Budget Estimate, which motion was seconded by Councilman McRary and unanimously adopted.

The City Manager set the date of Wednesday, July 3, 1963 for a conference on the budget.

Miss Fannie McCoy appeared before the Council and requested that investigation be made of the Asheville Water Department before asking an increase in water rates to install a sewage disposal plant.

There being no further business the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 27, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, June 27, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, W. F. Algary, F. M. Mulvaney, Ralph D. Morris, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

PILOT CONSTRUCTION COMPANY
[illegible] ANNEX CERTAIN
[illegible]

A petition was received from the Pilot Construction Company requesting annexation of a tract of 26 acres in Hazel Ward.

FINE ARTS THEATRE - Protest
against type of movies

A communication was received from the Reverend W. Perry Crouch protesting the type of movies

being shown at the Fine Arts Theatre on Biltmore Avenue.

The City Manager was authorized to use his own discretion in this matter.

The Council decided to name the Community Center in Oakley the "Murphy Teen-Age Center" in honor of the late Mr. and Mrs. Joseph L. Murphy.

Councilman Mulvaney introduced a resolution designating Community Center in Oakley as "Murphy Teen-Age Center", which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 261.

Councilman Sumner introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property of Pilot Construction Company, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 262

The City Manager reminded the Council of the Budget Conference to be held Wednesday, July 3, 19[illegible] and advised he would be in touch with the Council at a later date.

The Council was advised by C. W. Dermid, Director of Public Works that the City had contracted to buy a male zebra from the Miami Rare Bird Farm, Inc. in Kendall, Florida for the sum of $1,350.00. This zebra is now in quarantine, but will be delivered in Asheville on August 31st.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, July 4, 1963 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, July 11, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 11, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Council received a request from Thomas C. Newman for a ten year lease on property now occupied by Asheville Sand Company near Rhododendron Park.

The City Manager advised the Council that there is a possibility the property may be included in interstate highway rights-of-way, and was requested to investigate this possibility and report back to the Council.

A petition signed by some thirty citizens was received, requesting that the former residence and tea room building facing on Charlotte Street between Edwin Place and Bond Street be torn down, removed and the lot cleared.

The City Manager advised that this structure had been condemned, but that demolition without the consent of the owners is a lengthy legal procedure. The City Manager stated that the most direct method would be for the Council to hold a hearing to determine if demolition order should be issued.

Following a discussion, Councilman Algary moved that such a hearing be held, which motion was seconded by Councilman Sumner and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that Lots 112 and 115D, Sheet 2, Ward 3 remain as now zoned.

July 11, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, July 3, 1963, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 112 and 115D (291 of the Tax Map), Sheet 2, Ward 3, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

Ar:nr
Encl:
NW AS - N 15.25

This was received as information by the Council.

A communication was received from the Planning and Zoning Commission recommending that certain property owned by the Carmelite Nuns in Haw Creek be rezoned from RA-6 Residential District to Institutional District, providing that the present owners will file of record a restrictive covenant agreement that if the land is ever disposed of by them in any manner, they will apply to the City Council for a rezoning of this property to a Residential District which will be the same as the highest adjoining Residential District existing at that time, prior to such disposition.

July 11, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, July 3, 1963, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that the Commission recommend that the following described property be rezoned from RA-6 Residential District to Institutional District, providing that the present owners will file of record a restrictive covenant agreement that if the land is ever disposed of by them in any manner, they will apply to the City Council for a rezoning of this property to a Residential District which will be the same as the highest adjoining Residential District existing at that time, prior to such disposition:

BEGINNING at the Southwesternmost corner of Lot 60, Ward 8, Sheet 15 and running North 3 deg. 03' East, 45.03 feet to an old hub and iron pipe; thence North 8 deg. 23' West, 65.73 feet to an old hub in or near a branch; thence with the meanders of said branch the following courses and distances: North 23 deg. 07' East, 73.35 feet to an old hub; thence North 8 deg. 42' East, 38.06 feet to an old hub; thence North 38 deg. 58' East, 57.3 feet to an old hub; thence North 17 deg. 14' East, 109.77 feet to an old hub; thence North 39 deg. 18' East, 179.44 feet to an old hub; thence North 62 deg. 59' East, 92.91 feet to a stake; thence North 80 deg. 52' East, 160.46 feet to a stake; thence leaving said branch and running South 74 deg. 28' East, 455 feet to an old hub and stake on a ridge; thence South 40 deg. 35' East, 165.55 feet to an old hub; thence South 8 deg. West 1046.1 feet to a stake; thence South 16 deg. 53' West, 120 feet to an iron pin; thence North 73 deg. 01' West, 25 feet to an iron pin; thence North 16 deg. 53' East, 90 feet to an iron pin; thence North 19 deg. 06' West, 99.7 feet to an iron pin; thence North 62 deg. 07' West, 170 feet to an iron pin; thence North 54 deg. 57' West, 163 feet to an iron pin; thence North 37 deg. 23' West, 70 feet to an iron pin; thence North 28 deg. 38' West, 200 feet to an iron pin; thence North 59 deg. 08' West, 430.7 feet to the point of BEGINNING.

In connection with the above request, the Commission discussed the fact that the word "Monastery" is not included in the Zoning Ordinance. The following action was taken:

It was moved, seconded, and unanimously passed that the Commission recommend that Section 5.1 of the Zoning Ordinance be amended to include the following in the list of permitted uses as Item A - 12:

"Monastery, convent, housing for religious communities, religious assemblies, and other similar religious or non-profit uses."

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

A communication was received from the Planning and Zoning Commission recommending that the zoning ordinance be amended as it relates to the size and location of signs.

July 11, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, July 3, 1963,

the attached proposed amendments to the Zoning Ordinance governing the locations of signs and defining signs were reviewed and are hereby recommended to you for adoption.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:
BN AS - N 15.25

PROPOSED AMENDMENTS

TO CITY OF ASHEVILLE ZONING ORDINANCE

A. Amend Section 19 by inserting the following definition:

'SIGN: Any form of publicity, visible from any public way, directing attention to an individual, business, commodity, service, activity, or product and conveyed by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached, or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports."

B. Amend Subsection A-8 of Section 6 by striking the existing text and inserting the following in its place:

8. Signs:

a. Provided that the minimum required yard next to any street line shall be complied with as hereinafter set forth; except, that signs having an overall area of fifty (50) square feet or less and advertising a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located, shall not be required to comply with such yard requirements. The area of any free standing sign shall include the area of the sign face and all portions of the structure.

b. On corner lots no free standing sign which blocks the area of required visibility of vehicles shall be permitted within the triangular area formed by the intersecting street rights-of-way lines and a straight line connecting two points on said street rights-of-way lines each of which is twenty (20) feet distant from the point of intersection. The area of required visibility shall begin at a level of thirty (30) inches above the center lines of the streets and extend to a height of ten (10) feet above said street center lines. The combined widths of all members of the supporting structures within the area of required visibility shall not exceed twenty (20) inches.

Councilman Sumner moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission and to give notice and publication of a public hearing to be held August 1, 1963, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Councilman Morgan introduced a resolution appointing Substitute Judge of the Police Court of the City of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 264.

Councilman Mulvaney introduced a resolution directing Mayor to execute deed to Norman W. Brown and wife, Sue Brown, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 265.

Councilman Morris introduced Ordinance No. 479, being "INTERIM APPROPRIATION ORDINANCE", which upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Sumner moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morris and unanimously adopted.

Ordinance No. 479, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 479, being "INTERIM APPROPRIATION ORDINANCE", was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 479

...ERIM APPROPRIATION ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That in order to operate the city from July 1, 1963 to the date of the adoption of the ...-64 Budget Ordinance, appropriations are hereby made for the purpose of paying salaries, the principal and interest ...ebtedness, and the usual ordinary expenses of the city at the same rate of expenditure as provided for in the budget for the 1962-63 fiscal year. This ordinance shall cease to be effective from and after the adoption of the 1963-64 ...et Ordinance, and all expenditures made in accordance with this ordinance shall be chargeable to appropriations made ...e 1963-64 ordinance.

Section 2. This being an ordinance relating to budgets and appropriations shall be in full force and ...t immediately upon its final passage.

I move the adoption of the foregoing ordinance, this 11 day of July, 1963.

Ralph D. Morris
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 11 day of July, 1963, to become effective 11 day of July, 1963.

...VED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager advised that today is the date set for the public hearing on the request of Pilot ...truction Company to annex certain property in Hazel Ward.

...E NO. 480 - AN ORDINA...

There being no objection Councilman Algary introduced Ordinance No. 480, being "AN ORDINANCE EXTENDING ...RATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY," which was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is the date set for the public hearing on the rezoning of certain ...erty on Leicester Highway and Swannanoa River Road.

There being no objection, Councilman Morgan introduced Ordinance No. 481, being "AN ORDINANCE AMENDING ...NING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ...VILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed ...n first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Miss Fannie McCoy appeared before the Council to protest the proposed Urban Renewal project and strict ...ilding codes proposed by the Metropolitan Planning Commission.

A petition signed by some two hundred residents in the Kenilworth section was received requesting that ...sidence at 22 Chiles Avenue be demolished. Speaking for the petitioners were Mr. Thomas Posey and Dr. Otis Marshall.

The City Manager advised that this structure had also been condemned, and the Council directed that a ...g hearing to determine if demolition order should be issued be held, by motion of Councilman Sumner, seconded by ...ilman Morris, and unanimously adopted.

A petition signed by a number of residents on County Home Road was received, requesting installation

of fire hydrants and street lights.

The City Manager advised that the installation of fire hydrants is already scheduled, and that the petition constituted a written request which would bring installation of the street lights in the near future.

Mrs. Ray R. Rast, projects chairman of the Beverly Hills Garden Club, presented a deed to the city for a two and one-half acre tract near Marlborough Road in the Beverly Hills section donated by Ivanhoe Corporation for use by the city as a nature park and recreation area, and asked that the tract be known as Azalea Park.

Mrs. Rast also expressed appreciation for the work done by the city through Mr. Charles Dermid, Miss Augusta Barnett and Mr. Frank Hall in improving and beautifying the Beverly Hills area.

Councilman Morgan moved that this property be accepted with thanks, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY C

Thursday, July 18, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 18, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, Ralph D. Morris, J. W. McRary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request was presented by property owners for the closing of a park area shown on a plat of "Forest Hill", recorded in plat book 2, page 26.

The City Manager advised that this is an undeveloped park area which has never been accepted or maintained by the city.

Ordinance No. 480, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 481, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morgan introduced Ordinance No. 482, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1963-64", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that through the efforts of Commissioner A. W. Nesbitt in cooperation with the State Highway Commission a fourth traffic lane would be added on the Tunnel Road between the Kenilworth Road and New Haw Creek Road intersections, work to begin next Monday. The City Manager further advised that the emergency widening job is not a part of the State Highway's announced project for four-laning US 70 between Asheville and Black Mountain, and expressed appreciation to Mr. Nesbitt and the Highway Commission for their cooperation in the matter.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, July 25, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, July 25, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, F. M. Mulvaney, T. B. Sumner, City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

Ordinance No. 480, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 480

ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of all the property hereinafter described and annexed to the City of Asheville has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once in a newspaper having general circulation in the municipality at least ten days prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 11th day of July, 1963 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Section 160-452 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Section 160-452 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged thereby annexing the territory and property described as follows:

Located in Hazel Ward, Buncombe County, North Carolina, and described as follows:

BEGINNING at a stake in the present City limits line of the City of Asheville, said stake being located at the northeast corner of Lot No. 2 as shown on a Plat of the property of heirs of Caledonia McIntyre, which plat is recorded in the Office of the Register of Deeds of Buncombe County, N. C. Plat Book 13 at page 72 and runs thence with said City Limits line North 86 deg. 54' 20" West 523.3 feet to a stake in the West margin of Louisiana Avenue; thence with said margin of Louisiana Avenue North 4 deg. 30' 10" East 170.95 feet to a stake at the Northwest corner of Lot No. 3 of the Plat referred to above; thence South 86 deg. 54' 20" East 520.5 feet to a stake; thence North 3 deg. 35' 40" East 10.39 feet to a stake; thence North 3 deg. 46' 40" East 149.56 feet to a stake; thence North 3 deg. 57' 40" East 170.78 feet to a stake; thence South 83 deg. 08' E. 599. 79 feet to a stake; thence North 3 deg. 38' 30" East 132.3 feet to a stake; thence South deg. 11' 20" East 100 feet to a stake; thence North 2 deg. 48' 40" East 80.01 feet to a stake in the south margin of Glenwinster Drive; thence with said margin of said Drive North 66 deg. 23' 10" East 504.26 feet to a stake in the West margin of Davidson Street; thence with said margin of Davidson Street South 27 deg. 46' 30" East 812 feet to a stake at the Southeast corner of Lot No. 14 as shown on a plat recorded in the Office of the Register of Deeds for Buncombe County, N. C. in Plat Book 25 at page 116; thence South 62 deg. 18' 30" West 250.11 feet; thence South 61 deg. 58' 30" West 250.78 feet to a stake; thence South 62 deg. 39' West 139.47 feet to a stake; thence South 62 deg. 21' West 210.74 feet to a stake; thence South 61 deg. 32' West 40 feet to a stake in the present City Limits line of the City of Asheville; thence with said present City Limits line in a westerly direction 846.7 feet to the point of BEGINNING. Containing 26.1 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and the citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 11 day of July, 1963.

W. F. Algary
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 25 day of July, 1963.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 481, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 481

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be zoned ROADSIDE BUSINESS AREA:

That part of Lot 3, Ward 6, Sheet 20, on Leicester Highway and 200 feet in depth North from the center of Leicester Highway.

(2) That the following described property be zoned NEIGHBORHOOD TRADING AREA:

Lots 43, 44, 45, 61-1/2 and 44-1/4, Sheet 18, Ward 8

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more section, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of its passage.

I move the adoption of the foregoing ordinance, this 11 day of July, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 25 day of July, 1963, to become effective 9 day of August, 1963.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution appointing Curtis Bynum, Secretary of the Sinking Fund Commission for Buncombe County, as Deputy City Accountant for purpose of keeping a record of bonds and coupons cancelled or cremated, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 266.

Councilman Morris introduced a resolution authorizing Mayor to request the Housing and Home Finance Agency to recertify the City's workable program for Community Improvement under the Federal Housing Act of 1954, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 267.

The City Manager announced that the city has now acquired the sites for combined fire stations, [illegible] library and community centers at Oakley and Haw Creek-Beverly Hills, and that architects' plans for the two [illegible]nity facilities will be prepared shortly for submission to City Council.

2 - AN ORDINANCE A[illegible]

Ordinance No. 482, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1963-64", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

There being no further business, the meeting was upon motion adjourned.

Margaret Simmons
CITY CLERK

Thursday, August 1, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 1, 1963, at 4:00 o'clock P. M. with Mayor [illegible]. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, [illegible]. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Clerk presented a REPORT ON HEARING BY THE CIVIL SERVICE COMMISSION RE APPEAL OF ROBERT [illegible]RRIS, A CITY EMPLOYEE, together with a request by Robert C. Burris that said report be disapproved.

[illegible]RT ON HEARING BY THE CIVIL SERVICE COMMISSION RE APPEAL OF ROBERT BURRIS, A CITY EMPLOYEE

The Civil Service Commission of the City of Asheville met in the Council Chamber in the City Hall at [illegible]5 P. M. on Monday, July 22, 1963 for the purpose of hearing the above appeal. Present at said meeting: John Hunts[illegible] Director, James H. Bailey, Robert Y. Praytor and Charles N. Malone. The employee was represented by Mr. Harold [illegible]ett, his counsel. The following witnesses gave oral testimony: Weldon Weir, City Manager, Robert Burris, the em[illegible]ee, John Walker and Eugene Coston. In addition to the witnesses certain documentary evidence was introduced such [illegible]eeds, maps, plans, newspaper clippings, aerial photographs, copy of Court Order entered by Superior Court of Hen[illegible]son County involving the property hereinafter referred to.

After carefully considering all the evidence, both oral and documentary, and listening to arguments [illegible]ounsel, this Board makes the following findings and recommendation.

FINDINGS

1. That the employee, Robert Burris, was at the time of the enactment of the Civil Service Act an [illegible]loyee of the City of Asheville and subject to the provisions of said Act.

2. That on or about the 5th day of July, 1963 the City Manager requested the employee, Robert Bur[illegible] to hand in his resignation and upon his failure to do so the said Manager addressed a letter to the employee ad[illegible]sing him that he was discharged from his position with the City of Asheville and that his employment was terminated.

3. That the employee appealed to this Board under Section 14 of the Civil Service Act and said appeal [illegible]proper under said Act and within the rights of said employee.

4. That sometime prior to the present year the employee and his wife procured some eight Deeds signed [illegible]some forty persons purporting to convey to them an interest in the land on which is constructed a church building com[illegible]ly known as the "Boiling Springs Baptist Church". It appears that the original Deed to the Trustees of said church [illegible]ained a provision to the effect that when the property ceased to be used for a church or school purposes the title [illegible]uch property would revert to the original owners or their heirs.

5. That the employee paid to the heirs of the original purchaser approximately $1000 for said church [illegible]erty and an Agreement was entered into to the effect that when the property was sold the proceeds of the sale would [illegible]divided one-third to the Board of Education of Henderson County, one-third to the Trustees of the church and one-third [illegible]he employee and his wife.

6. The City of Asheville at the time said Deeds were executed intended and still intends to acquire [illegible]said church property because it is clearly a hazard to the entrance to the City airport and that it is needed for [illegible]ic convenience and necessity so that the airport may properly function. Said property is situated adjacent to the [illegible]ville airport, but lying in Henderson County.

7. That the City Manager has been in conference with some of the Trustees with a view of negotiating [illegible]the purchase of this property for the use and benefit of the Asheville airport and its facilities, but that such nego[illegible]ions have been handicapped because of the claim of the employee that he has title to an interest in the property; and [illegible]said Trustees in said conference expressed surprise and concern that the employee was purchasing an interest in said [illegible]erty.

8. That because of the doubtful title to said church property and because of the purchase by the em[illegible]ee and his wife of a purported interest in the property it became necessary for the State Highway Commission to re[illegible]ate the Fanning Bridge Road extending across the front of the City airport so as to bisect the church property by [illegible]ing the church building on a small tract adjacent to the airport property.

9. That at the time the employee procured the Deeds conveying an interest in said church property to [illegible]and his wife he had knowledge of the fact that the City and State Highway Commission intended to acquire said church

property for public uses.

10. That the City is desirous of and intends to acquire said church property through negotiations if possible and if not, it will seek the assistance of the State Highway Commission in acquiring the property by eminent domain.

11. That the employee stated that he is now willing to surrender all interest he and his wife may have in said property by virtue of said Deeds to the City of Asheville upon a reimbursement of the costs and expenses he has heretofore incurred in the acquisition of said property by reason of said Deeds.

12. That there was evidence that employee had acquired another tract of land in the vicinity of the airport by a Tax Deed and upon learning of this the City Manager advised him that it was not proper for an employee in the Tax Department of the City to engage in buying property for defaulted taxes and that upon the request of the City Manager the employee surrendered the property back to the original owners whose name was Cooper.

RECOMMENDATION

This Board, after considering all the evidence and argument of counsel, concludes that the efforts of the employee to acquire the church property hereinbefore mentioned were in direct conflict with the interests of the City of Asheville and appear to be for the personal advantage of the employee. We recommend that the action of the City Manager in discharging the employee be approved.

S/ John L. Huntsman
John Huntsman, Director

S/ James H. Bailey
James H. Bailey

S/ Robert Y. Praytor
Robert Y. Praytor

S/ Charles N. Malone
Charles N. Malone

July 27, 1963

TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

I hereby request the City Council of the City of Asheville to disapprove the report on the hearing by the Civil Service Commission on my appeal of my discharge by the City Manager on July 5, 1963, for alleged conflict of interest.

Respectfully,

S/ Robert C. Burris
Robert C. Burris

RCB

Councilman Morris moved that the City Council approve the findings and recommendation of the Civil Service Board, which motion was seconded by Councilman Algary and unanimously adopted.

Councilman Algary then commented that it was a fine thing that city employees have the right of appeal to the Civil Service Board and to the City Council, and he felt that this employee had had a fair hearing. Councilman Sumner made similar comments.

Ordinance No. 482, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1963-64", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 482

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1963-64

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following amounts are hereby appropriated for the operation of the city government and its activities for the fiscal year beginning July 1, 1963 and ending on June 30, 1964, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

General Government	$ 365,551.18	
Law	26,482.58	
Finance	51,672.00	
Aviation	134,788.00	
Public Safety	1,502,114.86	
Libraries	160,678.90	
Public Works	1,207,894.48	
Parks and Playgrounds	234,516.00	
Civil Service	6,505.00	
Total General Operating Fund		$3,690,203.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water Department Operating Fund	$1,457,151.80	$ 1,457,151.80

SCHEDULE C. DEBT SERVICE FUND

General Refunding Bonds	$ 686,194.00	
Water Refunding Bonds	230,000.00	
Water Bond Issue 1951	196,849.25	
Water Bond Issue 1961	267,732.00	
Airport Bond Issue 1 and 2	118,913.00	
Total Debt Service Fund		1,499,688.25
TOTAL APPROPRIATIONS		$ 6,647,043.05

Section 2. It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 1963 and ending on June 30, 1964 to meet the foregoing appropriations, according to the following schedule:

SCHEDULE A. GENERAL OPERATING FUND

Current Year's Property Tax	$1,134,693.00	
Other Revenues as follows:		
License & Privilege Taxes	195,200.00	
Payment in Lieu of Taxes	600,000.00	
Fees	92,900.00	
Parking Meter Fees	78,000.00	
Court Costs	71,000.00	
Rents	65,000.00	
Income from Parks	79,200.00	
Miscellaneous	107,500.00	
Contribution from State Rev. Dept.	71,000.00	
Contribution from State St. Fund	300,000.00	
Contribution from Housing Authority	15,000.00	
Contribution from ABC Stores	600,000.00	
Riverside Cemetery	18,000.00	
Aviation	60,710.00	
Current Year's Poll Tax and Taxes Other than Current Year's Property Tax and Other than Hereinbefore Itemized	202,000.00	
TOTAL GENERAL OPERATING FUND		$ 3,790,203.00

SCHEDULE B. WATER DEPARTMENT OPERATING FUND

Water and Other Charges	$1,457,151.80	1,457,151.80

SCHEDULE C. DEBT SERVICE FUND

Current Year's Property Tax	$ 805,107.00	
Water and Other Charges from Water Department	694,581.25	
TOTAL DEBT SERVICE FUND		1,499,688.25
TOTAL ESTIMATED REVENUES		$ 6,647,043.05

Section 3. There is hereby levied the following rates of tax on each one hundred dollars ($100) valuation of taxable property, as listed for taxes as of January 1, 1963, for the purpose of raising the revenue from Current Year's Property Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations:

General Operating Fund (for the general expenses incident to the proper government of the city)	.9301
Debt Service Fund (for payment of interest and principal on outstanding debt of General Refunding Bonds)	.6599
Total rate per $100 of valuation of taxable property	$1.59

The rates of tax are based on an estimated total assessed valuation of property for purposes of taxation of $122,000,000.00.

Section 4. There is hereby levied a poll tax of $1.00 on all male persons between the ages of 21 and 50, unless exempt as provided by law, for the purpose of raising the revenue from Current Year's Poll Tax, as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section 5. Copies of this ordinance shall be furnished to the City Manager and Director of Finance and City Accountant, to be kept on file by them for their direction in the disbursement of city funds.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 7. That this ordinance shall be in full force and effect upon date of final passage.

I move the adoption of the foregoing ordinance, this 18 day of July, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 1 day of August, 1963, to become effective 1 day of August, 1963.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager advised that petitions have been received for the paving of an Alley off Flint Street and Pressley Road, and, in order to establish a lien on all abutting properties, it is necessary to pass a resolution authorizing these improvements.

Councilman Mulvaney then introduced a resolution designating improvements under Article 9, Chapter 160 of the General Statutes for the paving on Alley off Flint Street and Pressley Road, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.
Complete copy of resolution will be found in Resolution Book #4 at page 268.

Councilman Algary introduced a resolution authorizing Mayor to execute agreement with State Highway Commission relating to curb and gutter construction and pavement widening of US Highway 19-23-25-70 (Patrimon Avenue), Project 6.800587, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 269.
Copy of Agreement will be found attached to original resolution.

The City Manager filed the audit report of the City of Asheville Board of Alcoholic Control for the period ending June 30, 1963.

The City Manager advised that today is the date set for the hearing on the proposed rezoning of certain property owned by the Carmelite Nuns of the Diocese of Raleigh, Inc., and a revision of regulations governing signs and billboards.

Mr. Lewis Kirstein of 26 Pinehurst Court presented a petition signed by a number of Beverly Hills property owners asking that the residential zoning of the Carmelite property be retained on the grounds that institutional zoning would downgrade nearby residential property values.

The City Manager advised that the Carmelites owned some forty acres of land, and have stated they will enter into a covenant with the city that if the property is ever disposed of by them that before disposing of it they will request that it be rezoned to RA-6 Residential District.

Councilman Morris suggested that the covenant should also include a stipulation that the mausoleum would be removed in the event of sale, and that the mausoleum would not be built closer than 150 feet from the street line.

Mr. Kirstein also stated that property owners also object to reported plans to erect a sheet fence around the property and to reported plans to establish a school.

The City Manager pointed out that schools are permitted in residential as well as institutional zones, but he believed he could arrange for execution of a covenant including the other stipulations before the amendment comes up for its second reading.

Following the discussion, Councilman Morgan introduced Ordinance No. 483, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Morris voted "aye"
Councilman Mulvaney voted "aye"	Councilman Sumner voted "aye"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Mayor Eller voted "aye"	

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, August 8, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 8, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The Council received a proposal from James E. Harrin to lease the property now occupied by Asheville Sand Company near Rhododendron Park for a period of five years, with option to renew for an additional five years.

The City Manager advised this was the second proposal to lease the property, and that he had advised that the Interstate Highway would be pretty close to this area, so did not believe the city would want to go into a five year lease.

Following a discussion, the matter was referred to the City Manager for investigation and report to the Council.

The City Manager advised that the covenant requested of the Carmelite Nuns of the Diocese of Raleigh, Inc. had been executed, and the Corporation Counsel read said provisions. The City Manager further advised that this is a heavily wooded area.

Mr. T. A. Kirby, Jr. of 71 Ambler Road stated he was still opposed to the zoning change, and five other persons also registered objections to the change.

Following the discussion, Ordinance No. 483, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"	Councilman Morris voted "aye"
Councilman Mulvaney voted "aye"	Councilman Sumner voted "aye"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Mayor Eller voted "aye"	

Mr. Harry DuMont appeared before the Council and stated he represented a group of residents who were opposed to the closing off of Sylvan Avenue as a play street.

The City Manager advised that a request had been made to close this street as a play street, and that he considered this as an administrative matter, and an investigation was now being made to determine what was best to be done.

Councilman Morris stated that he had received numerous phone calls urging that the Council take action to have the water fluoridated.

The matter was discussed by members of the City Council, Councilman Sumner referring to the 1956 vote on this question where the proposal was defeated by a vote of 8,465 to 2,479 and stating that it had been proven that fluoride helps children's teeth but there are other ways to apply it; Councilman McRary said he had opposed fluoridation before because he didn't know enough about it, but might support it now; and Councilman Morris said he brought the matter up in order to start an educational process.

The City Manager stated he thought it was up to professional organizations, such as the Buncombe County Dental Society and the Buncombe County Medical Society to initiate such a request, and that they should develop an educational program.

Councilman Mulvaney introduced a resolution authorizing the City Attorney to notify the Attorney General of North Carolina to support the position of Southern Railway System in connection with grain shipments into the South, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete resolution will be found in Resolution Book #4 at page 270.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, August 15, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 15, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, Ralph D. Morris, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A proposal was received from Loren D. Packer to purchase from the city the triangular parcel of land adjoining Lot No. 1, Block T, Beverly Hills, being a part of the Municipal Golf Course.

The City Manager advised that this same proposal had been made before, and the matter was referred to for investigation.

Ordinance No. 483, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE

#322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 483

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-6 Residential District to INSTITUTIONAL DISTRICT, providing that the present owners will file of record a restrictive covenant agreement that if [illegible] and is ever disposed of by them in any manner, they will apply to the City Council for a rezoning of this property to a Residential District which will be the same as the highest adjoining Residential District existing at that time or to such disposition.

BEGINNING at the Southwesternmost corner of Lot 60, Ward 8, Sheet 15 and running North 3 deg. 03' East, 45.03 feet to an old hub and iron pipe; thence North 8 deg. 23' West 65.73 feet to an old hub in or near a branch; thence with the meanders of said branch the following courses and distances: North 23 deg. 07' East, 73.35 feet to an old hub; thence North [illegible] 2' East, 38.06 feet to an old hub; thence North 38 deg. 58' East, 57.3 feet to an old hub; thence North [illegible] 14' East, 109.77 feet to an old hub; thence North 39 deg. 18' East, 179.44 feet to an old hub; thence North 42 deg. 30' East 92.91 feet to a stake; thence North 80 deg. 52' East, 160.46 feet to a stake; thence leaving said branch and running South 74 deg. 28' East, 455 feet to an old hub and stake on a ridge; thence South [illegible] deg. [illegible] East, 1065 feet to an old hub; thence South 8 deg. West 1046.1 feet to a stake; thence South 16 deg. [illegible] West 12 feet to an iron pin; thence North 73 deg. 01' West, 25 feet to an iron pin; thence North 16 deg. [illegible] East [illegible] feet to an iron pin; thence North 19 deg. 06' West, 99.7 feet to an iron pin; thence North 62 deg. 07' West, [illegible] feet to an iron pin; thence North 54 deg. 57' West, 163 feet to an iron pin; thence North 37 deg. 23' West, [illegible] feet to an iron pin; thence North 28 deg. 38' West, 200 feet to an iron pin; thence North 59 deg. 08' West [illegible] feet to the point of BEGINNING.

(2) That Section 5.1, INSTITUTIONAL DISTRICT, A. Uses Permitted., as amended, be and the same is hereby amended as follows:

That a new Item known as Item A. 12 be added as follows:

"12. Monastery, convent, housing for religious communities, religious assemblies, and other [illegible] or non-profit uses.

(3) That Section 19. Definitions. of said Ordinance #322, as amended, be and the same is hereby amended as follows:

That a new Item known as Item 45 be and is hereby enacted to be added as follows:

"45. SIGN. Any form of publicity, visible from any public way, directing attention to an individual, business, commodity, service, activity, or product and conveyed by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks or other pictorial matter designed to convey such information and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached, or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports.

(4) That Section 6 (Neighborhood Trading Area) of said Ordinance #322, as amended, be and the same is hereby amended, be and the same is hereby amended as follows:

That Paragraph A-8 be and is hereby repealed, and the following new paragraphs be inserted in lieu thereof:

"8. Signs:

a. Provided that the minimum required yard next to any street line shall be complied with as hereinafter set forth; except, that signs having an overall area of fifty (50) square feet or less and advertising a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located, shall not be required to comply with such yard requirements. The area of any free standing sign shall include the area of the sign face and all portions of the structure.

b. On corner lots no free standing sign which blocks the area of required visibility of vehicles shall be permitted within the triangular area formed by the intersecting street rights-of-way lines and a straight line connecting two points on said street rights-of-way lines each of which is twenty (20) feet distant from the point of intersection. The area of required visibility shall begin at a level of thirty (30) inches above the center lines of the streets and extend to a height of ten (10) feet above said street center lines. The combined widths of all members of the supporting structures within the area of required visibility shall not exceed twenty (20) inches.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of passage.

I move the adoption of the foregoing ordinance, this 1 day of August, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 15 day of August, to become effective 30 day of August, 1963.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

[illegible] - A

Councilman Morgan introduced a resolution authorizing and directing Mayor and City Clerk to execute [illegible]ement with Auto Rentals, Inc. relating to rental car service at Asheville Airport, which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 271.
Complete copy of agreement will be found attached to original resolution.

Councilman Sumner introduced a resolution authorizing Mayor to enter into lease with J. L. Lankford, [illegible]a Asheville Sand Company for property near mouth of Hominy Creek, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 272.
Complete copy of agreement will be found attached to original resolution.

Councilman Morris introduced a resolution authorizing the Mayor and City Clerk to execute contract [illegible]ween Carolina Power & Light Company and the City of Asheville, North Carolina, for Expressway lighting service, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

[illegible]OLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACT BETWEEN CAROLINA POWER & LIGHT COMPANY AND THE CITY [illegible]ASHEVILLE, NORTH CAROLINA, FOR EXPRESSWAY LIGHTING SERVICE

WHEREAS, the Mayor presented to the Council for consideration and action a proposed written contract [illegible]h Carolina Power & Light Company for electric service for expressway lighting on the Asheville Expressway in the City [illegible]sheville as set out in the said contract, and said proposed contract was thereupon read and discussed; and

WHEREAS, Councilman Morris introduced the following written resolution and moved its adoption:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

That the Mayor and City Clerk be, and they are hereby authorized, empowered and directed, in the name [illegible]nd for and in behalf of the City of Asheville, N. C., to execute and deliver that certain written contract with [illegible]olina Power & Light Company for electric service for the lighting of the Asheville Expressway in the City of Asheville [illegible]et out in the said contract, which contract is dated September 3, 1963, and provides for the beginning of service on [illegible]e first used, and, in event of notice, ending at the expiration of ten years, in which contract is included the Company's monthly rate for such service, and which contract has been approved as to form by the Corporation Counsel and [illegible]d and considered at this meeting.

I move the adoption of the foregoing resolution.

Ralph D. Morris
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

A vote was taken on the resolution and the Mayor announced that the resolution had been duly adopted, [illegible]e being 6 votes in favor thereof and 0 votes against it, this the 15 day of August, 1963.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 273.
Complete copy of contract will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing and directing Mayor and City Clerk to execute [illegible]e with Ice Sports, Inc. for the premises known as McCormick Field, which was, upon motion of Councilman Algary, [illegible]nded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 274.
Complete copy of contract will be found attached to original resolution.

[illegible]

The City Manager advised that petition has been received for the paving of Camp Ground Road, and in

order to establish a lien on all abutting properties it is necessary to pass a resolution authorizing these im-
provements.

Councilman Mulvaney introduced a resolution designating improvements under Article 9, Chapter
160 of the General Statutes for the paving on Camp Ground Road, which was, upon motion of Councilman Mulvaney,
seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 275.

The City Manager called attention to the fact that the County Commissioners have given consi-
deration to the city assuming maintenance of the Swannanoa Water District, and that an agreement has been prepa-
by the said Commissioners which would require acceptance on the part of the City, said agreement to be on a ye
to year basis with either party having the privilege of cancellation upon one year's notice. The City Manager
vised that there are 3,000 water customers in the district, and the agreement is the same as that already in
in other county districts, and the city would be able to render service and be in position to offer expansion.
The City Manager further stated that without objection on the part of the Council the City would enter into such
an agreement.

Mr. Clarence B. Branson of 56 Arden Road presented a petition signed by a number of residents
Kenilworth requesting the creation of a park on the property shown on a plat of Forest Hill and located between
Arden Road and Sherwood Road.

Mr. Branson was advised that a public hearing has been set on the proposed closing of this p
erty as a park for August 22, 1963, and that the petition would be considered at that time.

Mr. Manly E. Wright, President of the Chamber of Commerce, introduced Mr. William D. Turner,
President of the Chamber's Convention Bureau, who presented resolution requesting the City Council to consider
vorably the construction of an addition to the Asheville City Auditorium, thereby enlarging and modernizing the
isting building, the proposed addition to include two stories above ground and one on the present exhibition h
level to be built at the front of the auditorium. Mr. Turner said he estimated cost of the proposed enlargeme
would be in the neighborhood of $300,000.00.

The matter was discussed by members of the Council, Councilman Algary stating he thought gro
of the convention business in Asheville might justify construction of a new and larger auditorium in a few yea
and that it might be wiser to keep the present auditorium unchanged in anticipation of construction of a new f
cility.

The City Manager stated that the city is interested in maintaining a strong central Asheville
growth, and improvement of this facility was one way in which the city could participate, but pointed out there
is no provision for such a project in the current city budget. However, the City Manager advised that an archi
tect could be employed to review this project and make recommendations as to its feasibility, and that this re
could be prepared in plenty of time for the next budget period.

Following a discussion, the City Manager was authorized to proceed in this manner.

Councilman Sumner suggested that the city should provide facilities for the accommodation of
campers, and was advised that plans are already under way for preparation of campsites in Recreation Park and
dodenron Park, and for the development of a lake and campsites in the area below North Fork Dam where gravel o
tions have now been terminated.

The City Manager advised that the campsites in Recreation and Rhododendron parks will be rea
by next summer, and that the North Fork recreation area will probably be completed by the summer of 1965.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, August 22, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, August 22, 1963, at 4:00 o'clock P. M. wit
Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, J. W. McRary, R
D. Morris, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Algary stated that it was his understanding that the Council had not approved the
posed expansion of the Auditorium, but that a study was to be made as to the feasibility of this proposal, and
City Manager confirmed this understanding.

Police Sergeant J. E. Jarvis was presented a citation for outstanding service as a Red Cross
unteer program consultant in water safety by Mr. Robert Hotop of Atlanta, Red Cross assistant director of firs
and water service for the Southeastern area. Representing the Asheville Area Red Cross chapter was Mr. Robert
holz, Vice Chairman.

PARK AREA

The City Manager advised that today is the date set for the public hearing on the petition

a park area shown on a plat of "Forest Hill", and that due advertisement of said hearing had been made.

Mr. Robertson Wall stated that he was appearing for the owners of the adjoining lots who had peti-
ed to have said park closed, and that the said park had never been accepted or maintained by the city.

Mr. Clarence Branson presented a petition signed by a number of residents in the area requesting
the city take under consideration the creation and maintenance of a park or playground on this property.

Speaking for the closing of the park area were Mr. Roy P. Booth and Mrs. Marion J. Baker.

The matter was discussed by members of the Council, and Councilman Sumner suggested that the mat-
be deferred until a later meeting in order to give Council members an opportunity to examine the property.

Councilman Algary then moved that action on the closing of this park area be deferred until the
meeting of the Council in order to give members an opportunity to examine the property, which motion was seconded
Councilman Morris and unanimously adopted.

(Mrs. Bieman McKenzie)

Councilman Morgan introduced a resolution appointing member of the Redevelopment Commission of the
y of Asheville, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 276.

Councilman Mulvaney introduced a resolution reappointing City Manager as ex officio member of the
stern North Carolina Regional Planning Commission, and prescribing such membership as an additional duty of the
y Manager, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 277.

The City Manager advised that negotiations had been entered into with Elizabeth Moss Harris and
band, Henry H. Harris, to enter into a lease for an off-street parking lot at the corner of College and Davidson
reets.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Elizabeth Moss
rris and husband Henry H. Harris for operating off-street parking facility by city, which was, upon motion of Coun-
lman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 278.

The City Manager advised that a request had been made to close Compton Boulevard as a public street.
City Manager further advised that this street was accepted in the recent annexation, and that said street is located
the Eliada Home property.

Mr. Cameron of the Eliada Home stated that it is the intention to relocate this street to tie in with
existing roads.

Councilman Sumner moved that the Corporation Counsel be instructed to prepare the necessary resolution
ting a date for a public hearing on this request, which motion was seconded by Councilman Morgan and unanimously adopt-
.

Councilman Algary read a prepared statement urging the construction of a new civic auditorium or coliseum
the civic redevelopment project north of the City-County Plaza, and moved that this statement be entered in the minutes
this meeting. The motion was seconded by Councilman Sumner and unanimously adopted.

Mayor and Council Members:

On Thursday, August 15, a committee from the Asheville Chamber of Commerce appeared before this
ncil with a recommendation that some thought be given by the city to enlargement of the City Auditorium

I think it was appropriate that this question be brought up at the present time in light of the many
ngs that are developing in our city. I believe that this question goes far beyond the expenditure of a sum of money.
opens up the whole question of not only where we are today, but where this community will be 5, 10, or 20 years from
, and it is the responsibility of this Council to take the long-range view of what is good for the whole community.

The present auditorium has certainly served a useful purpose and will continue to do so for many years
come, but I think that all will agree that it has extreme limitations for growth. I believe that the $300,000 sug-
ted as an additional expenditure of this building would be unwise. Admittedly, it would not add to the seating capa-
. The total, 10,000 or so square feet, as a limitation could be gained in space in the three floors would be ex-
ely costly per square foot and would not be the answer to the growth as we know must come in this community.

We must grow or we will die. A community like a business cannot stand still.

Western North Carolina has a great opportunity to grow in many directions due to the location, the
ual improvement of transportation, and above all the awakening desire of our people to grow. Certainly one of the
ortant facets of our growth will be the continuing expansion of tourists and conventions, as well as our cultural
lopment. Certainly the overnight visitors to our community have more than doubled in the last 14 years for the
le reason that our accommodations have more than doubled in that time. There is no reason to think that they will
double again in the next 10 years, as our highways become realities the area becomes better known, and of course the
eral increase of population in this country.

We have in our hands at the present time an opportunity that few cities ever have and we will probably
er have again. There is an 8 acre tract adjacent to the expressway in the urban development area for which long-range

plans could be buttoned down immediately to build an auditorium or a coliseum large enough for the needs in the years to come, with the thought and design that would permit additional expansion as the need might arise.

If Western North Carolina is to grow and Asheville is to continue its leadership in this growth this project is of utmost importance. We are blessed in this area with a number of good schools and colleges with fine religious assemblies, with growing population and income, and with a steadily growing number of visitors, but I wonder if you have considered the fact that in the whole of Western North Carolina there is not, to my knowledge, a single building designed to seat adequately as many as 5,000 people.

Raleigh, Greensboro, Winston-Salem, and Charlotte have adequate new auditoriums, but the bad part is that every one is situated some 3 to 6 miles from the heart of downtown. Knoxville has been more fortunate Charlotte has an ideal set-up in that they have a complex of fine auditorium and theatre, but they are approximately 6 miles from downtown. We have planned in the area of which I speak, a civic art center, and if we could add with this an auditorium such as I speak of, we would have this complex that Charlotte has in the heart of our city and in an area that would permit easy access and with a wide range of parking facilities.

There is no question in my mind but that a demand for a building such as I am speaking of will be made on this Council in the not too distant future, but by that time there will probably be no accessible parcel of land of the necessary size in the downtown area and in an accessible location, and consequently it will have to be built far out to the north, to the east, to the west, or to the south and to the deterrent of our whole community complex of lodging, and certainly to the development of our downtown area.

I believe we are facing a very similar situation to the decision we had to make on an airport. We did have the opportunity then to extend the runways on the old airport a few hundred feet, but this Council and this community took the long-range view and accepted the challenge, and I believe that there are mighty few people in all of Western North Carolina that are not happy and proud of the decision that was made at that time.

In the interest of looking at the real welfare of our total community, I urge that we do not let this opportunity slip by."

The matter was discussed briefly by the Council, and it was indicated that the Council felt the proposal should be given serious study.

There being no further business, the meeting was upon motion adjourned.

Earl Eller
MAYOR

Margaret [illegible]
CITY CLERK

Thursday, August 29, 1963 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

Earl Eller
MAYOR

Margaret [illegible]
CITY CLERK

Thursday, September 5, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 5, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A request was received from Uzzell and DuMont, attorneys, that Lot 5, Sheet 22, Ward 9 be rezoned from Residential RA-10 to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Morris reported that a personal inspection convinced him that the property shown as park area on the plat of "Forest Hill" does not lend itself to park uses, and introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a park area between Lots 40, 40½, 41 and 42 of Block 8, Ward 1, which was seconded by Councilman Sumner and unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 279.

Councilman Mulvaney introduced a resolution authorizing Mayor to execute agreement with Southern Railway Company permitting City of Asheville to install and maintain a water pipe line under railroad tracks to be located at Milepost T-2 minus 735 feet, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 280.
Copy of Agreement will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing Mayor to enter into agreement with State Highway Commission in connection with construction of Interstate 26 through Asheville Airport property, which was upon motion of Councilman Algary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 281.
Copy of Agreement will be found attached to original resolution.

Councilman Morris introduced a resolution electing members of the Planning and Zoning Commission for the City of Asheville, which was, upon motion of Councilman Morris, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 282

The Council directed that a letter of appreciation be forwarded Mr. W. F. Wolcott, Jr., who had requested that he not be reappointed to this Board.

Councilman Sumner introduced a resolution providing for public hearing on petition to close an unnamed road on the Eliada Homes property, which road has subsequently been referred to as Compton Drive or Compton Boulevard, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 283.

Dr. H. W. Stevens, Secretary to the Buncombe County Board of Health, presented a request and recommendation from the Buncombe County Board of Health that the City Council immediately take steps to fluoridate the public water supplies.

August 20, 1963

Hon. Mayor Earl Eller
City Hall Building
Asheville
North Carolina

Dear Mayor Eller:

The Buncombe County Board of Health again reinstates their resolution to the City Council of Asheville regarding the immediate need of fluoridation of our public water supplies.

The American Dental Association, the American Medical Association, the United States Public Health Service, and many other legal authoritative scientific bodies have approved this public health preventive measure and recommended such to all municipalities. Fluoridation of public water supplies prevented approximately 60% of dental cavaties; thereby, decreasing many chronic diseases of the aged and improving the health of the children and young adults.

Your Buncombe County Board of Health strongly urges and recommends that the City Council of Asheville immediately take steps to fluoridate our public water supplies.

Sincerely,

HWS:ba

H. W. Stevens, M.D., Secretary
Buncombe County Board of Health

Dr. Stevens as Health Director of the Buncombe County Board of Health then presented an order for the City Council to take immediate steps and institute fluoridation of the public water supplies.

August 20, 1963

Hon. Mayor Earl Eller
City Hall Building
Asheville
North Carolina

Dear Mayor Eller:

The leading scientific bodies in the United States and your State Board of Health have long ago approved fluoridation of public water supplies as a preventive public health measure designed to improve the health of the citizens of this community. Your Buncombe County Board of Health has approved and urged such measures recently.

I hereby order the City Council of Asheville, North Carolina, to take immediate steps and institute fluoridation of the public water supplies. As Health Director of your constituents, I feel this is a vitally important health program for the benefit of our citizens.

Respectfully,

S/ H. W. Stevens
H. W. Stevens, M.D., Health Director
Buncombe County Board of Health

HWS:ba

Dr. Stevens headed a delegation in support of fluoridation and introduced Drs. Walter McFall, D. W. Gray, Robert W. Holmes, Thomas A. Morris, J. B. Roberson, Pearce Roberts, Jr. and Charles W. Candler, dentists, and Dr. James S. Raper, Mary Helen McConnell and Irma Henderson-Smathers, physicians. Other speakers included Dr. Russell Norburn, Dr. Michael F. Keleher, Dr. L. E. Metcalf.

Miss Fannie McCoy spoke in opposition to fluoridation, calling the measure "socialized medicine".

Several members of the Council expressed their views on the matter. Councilman McRary stated that the last time this came up he was opposed to it because he did not know enough about it, but might be in favor of it now if he was convinced it wasn't harmful. Councilman McRary further stated he was not satisfied Dr. Stevens had authority to issue such an order. Councilman Sumner said the last time this issue was submitted to a vote the people voted six to one against it, and he didn't think it was right to force people to drink fluoridated water if they didn't want to. Councilman Algary said he had lived in Texas where there is strong natural fluoride in some areas, and he believed fluorides should be in the water. Councilman Mulvaney said he had an open mind on the subject, but the people had turned it down and he believed in letting the people decide such questions. Councilman Morgan stated he did not believe the people knew how to vote on this subject.

Following the discussion Mayor Eller thanked the physicians and dentists for giving the Council information on this subject, and that the Council would take it under consideration.

Mr. Floyd Drake, vice president of the Broadway and North Market Street Better Business Association, presented a petition requesting that the city lease property at the corner of Cherry Street and Broadway for a new wholesale and open air curb market, which petition was supported by a resolution of the Asheville Agricultural Development Council.

The City Manager stated that during the time the city operated the Lexington Avenue market it was a "better than break-even proposition", and that he was an enthusiastic supporter of an adequate market for downtown Asheville.

Following the discussion Councilman Morgan moved that the City Manager be directed to investigate the feasibility of leasing this property, which motion was seconded by Councilman Sumner and unanimously adopted.

Mayor Eller thanked the Association for bringing this matter to the attention of the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 12, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 12, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, R. D. Morris, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received from Henry C. Fisher, attorney for Henry Mills and wife, Thelma Mills, requesting that Lots 273 and 274, Sheet 8, Ward 4, be rezoned to Business District.

The Council referred this request to the Planning and Zoning Commission for study and recommendation.

Councilman Morris moved that the Council instruct the City Manager to proceed immediately to fluoridate the water of the City of Asheville, which motion was seconded by Councilman Morgan.

Councilman Sumner stated that he was opposed to the motion and thought this matter should be left to a vote of the people. Councilman Mulvaney also stated that he thought the matter should be voted upon.

Miss Fannie McCoy spoke at length against fluoridation and read an extract from the Congressional Record attacking fluoridation. Other speakers in opposition to fluoridation were Herman R. Leitenberger, Miss Jenkins, Mrs. Alice Slikker, Frank H. Cordtmeyer, R. L. Love, Mrs. Bertha Hester and Mr. and Mrs. Edwin Backer.

Mayor Eller stated that Dr. Stevens' order was invalid and had nothing to do with the action of the City Council.

Following the discussion a vote was taken with Councilmen Algary, Morris, Morgan and Mayor Eller voting in favor of the motion, and Councilmen McRary, Mulvaney, and Sumner voting against it.

Miss McCoy asked how long opponents had to file a petition and force an election, and Mayor [illegible] advised her to consult an attorney.

Councilman Morgan introduced a resolution appointing members to the Board of Directors of the Buncombe County Planning Council, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 284.

Councilman Mulvaney introduced a resolution authorizing the City Attorney to support the position of the Southern Railway System in connection with grain shipments into the south, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 285.

Councilman McRary introduced a resolution approving application of manufacturing company for use of water in excess of three million gallons per month, and establishing rate therefor pursuant to Ordinance #404, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 286.

The City Manager presented the audit for the Sinking Fund Commission of Buncombe County for the period ending June 30, 1963.

The City Manager presented the audit for the City of Asheville for the period ending June 30, 1963.

The City Manager presented the statement showing the budget position of the city for the period ending August 31, 1963.

The City Manager advised that it is expected that the city water service will be extended to Fletcher by January 1st, and that work on previously authorized combined fire stations-branch libraries-community centers in Oakley and Beverly Hills-Haw Creek will begin next spring, with financing of the projects included in the 1963-64 budget.

Mr. Max Wilson, owner of Wilson's Spring and Body Works at 248 Biltmore Avenue, filed a complaint with the Council that he is being discriminated against for political reasons, and charged that his place of business is posted against parking while nearby businessmen who are Democrats have no signs in front of their businesses. Mr. Wilson alleged that every time a customer pulled up at his shop he got a $5.00 ticket.

The City Manager denied that there is any political connection in the parking pattern as charged by Mr. Wilson, but stated that the traffic at the corner of Biltmore Avenue and Coxe Avenue make it unreasonable to permit parking at Wilson's shop.

The City Manager advised that he would have a complete survey made of the traffic pattern and traffic count, and present this information to the Council at its next meeting, and stated that the regulations would be enforced until changed.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, September 19, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 19, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, C. E. Morgan, W. F. Algary, T. B. Sumner, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from R. R. Williams, Jr., attorneys for Mr. and Mrs. Verne Rhoades, asking for institutional or neighborhood trading classification of property bounded by King Street, Glenwood Street, Geneva Street and the new Asheville-Biltmore College entrance.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager reported that a traffic count at Wilson's Spring and Body Works at 248 Biltmore Avenue showed 10,457 vehicles passing in the northbound lane in a 12½ hour period, and stated that the heavy traffic count showed that curbside parking at that point was impractical. The City Manager showed maps indicating the width of street, traffic lanes, and sidewalk.

Councilman Sumner suggested that the sidewalk be cut back two or three feet and allow five minute parking.

The City Manager pointed out that Mr. Wilson has a fifty foot lot adjoining his building for customer parking.

Councilman Algary stated that he had visited this location and that the movement of traffic would allow for parking.

The City Manager read a statement from the City Traffic Engineer in which he recommended no change

in the traffic pattern.

Mr. Wilson again requested customer parking and establishment of a loading and unloading zone.

Following the discussion, the City Manager was requested to work out a solution in which loading and unloading would be permitted in front of this place of business, but customer parking will continue to be prohibited.

Councilman Sumner stated that he had been advised by an attorney that the action of the City Council in regard to fluoridation of city water should have been done by ordinance, and moved that motion approved at the last Council meeting be rescinded and that the matter be turned over to the Corporation Counsel to prepare an ordinance to be submitted to the Council in order to give the public more opportunity to be heard.

The City Manager stated that last week's action by motion was sufficient and an ordinance is not needed. He advised that the next step in carrying out the Council's order for fluoridation will be to submit an application to the State Board of Health, and that the State Board will thereafter supervise action for fluoridation.

Speaking against fluoridation were Miss Fannie McCoy, Miss Lola Mae Lanning, Mrs. Mary L. Poe, and Walter Zvoda.

The Mayor told the speakers they will have a chance to repeat their views to the State Board of Health.

The City Manager presented plans for remodeling the Municipal Building by moving the Police Department from its present location on the second floor to the space formerly occupied by the Asheville Area Red Cross Chapter, which change would give the Police Court a ground level entrance from Market Street and eliminate the confusion of courtroom traffic moving through Police Department headquarters, and allow more room for police locker rooms and showers on the second floor.

The City Manager presented each member of the Council with the Annual Report of the City of Asheville Libraries for the year 1962-63.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, September 26, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, September 26, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Ralph D. Morris, J. W. McRary, C. E. Morgan, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Mr. Shelby E. Horton, Jr., attorney for Rex Smathers, presented a request for the rezoning of Lot 1, Sheet 9, Ward 5 in such manner as to be used as trailer estate lots.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by a number of property owners was presented, requesting annexation of an area in the Shiloh section between West Chapel Road and Brooklyn Road.

This matter was referred to the Corporation Counsel for drafting of the proper resolution upon motion of Councilman Sumner, seconded by Councilman McRary, and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 3, 1963 - 4:00 o'clock P. M.

Because of the lack of a quorum no meeting of the City Council was held on the above date.

MAYOR

CITY CLERK

Thursday, October 10, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 10, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending that Lot 5, Sheet 22, Ward 9 remain as now zoned.

October 3, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Dear Sirs:

At the regular meeting of the Asheville Planning and Zoning Commission held Wednesday, October 2, 1963 the following action was taken on the attached request:

It was moved, seconded and unanimously passed that the Commission recommend that the property remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

ajd:nr
Encl:

This communication was accepted as information by the Council.

A communication was received from the Planning and Zoning Commission recommending that Lot 273, Sheet 8, Ward 6 be rezoned from Residential District to Roadside Business Area.

October 3, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Dear Sirs:

At the regular meeting of the Asheville Planning and Zoning Commission held Wednesday, October 2, 1963, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 273, Ward 6, Sheet 8 be rezoned from Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A communication was received from the Planning and Zoning Commission recommending that the block bounded by King Street, Glenwood Street, Geneva Street and entrance to Asheville-Biltmore College be rezoned from Residential to Institutional District.

October 3, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Dear Sirs:

At the regular meeting of the Asheville Planning and Zoning Commission held Wednesday, October 2, 1963, the following action was taken on the attached request:

It was moved, seconded, and unanimously passed that the Commission recommend that the block bounded by King Street on the South, Glenwood Street on the East, Geneva Street on the West, and the New Entrance to the Asheville-Biltmore College on the North be rezoned from Residential to Institutional.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

Councilman Sumner moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission, and to give notice and publication of a public hearing to be held on October 31, 1963, which motion was seconded by Councilman McRary and unanimously adopted

Councilman Morgan introduced a resolution regretting death of Samuel J. Fisher, which was, on motion of Councilman Morgan, seconded by Councilman McRary, unanimously adopted.

RESOLUTION

RESOLUTION REGRETTING DEATH OF SAMUEL J. FISHER

WHEREAS, the recent death of Samuel J. Fisher brings sorrow to each member of the Council of the City of Asheville; and

WHEREAS, it is the desire of the Council to formally recognize and praise the outstanding service Mr. Fisher has rendered his city and county as a member of the Civil Service Commission from 1953 until the time of his death, as president of the Community Chest in 1949, as co-chairman of the Victory Bond Drive in Buncombe County in 1945, as president of the Civic Club Union, and as co-chairman of the Asheville Chamber of Commerce's convention committee in 1954;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That this resolution paying tribute to Samuel J. Fisher be entered in the minutes of the Council of the City of Asheville, and that a copy be given the family expressing the sympathy of this Council upon his death.

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY:

J. W. McRary
COUNCILMAN

Theodore B. Sumner
COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

COUNCILMAN

Read, approved and adopted, this 10th day of October, 1963.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Copy of resolution will also be found in Resolution Book 4, page 387.

The City Manager advised that today is the date set for the public hearing on the proposed ing of an unnamed road on the Eliada Homes property, which road has subsequently been referred to as Compton D Compton Boulevard.

There being no objection, Councilman Morgan introduced a resolution authorizing abandonment closing and disclaiming any public interest in an unnamed road on the Eliada Homes property, which road has sub quently been referred to as Compton Drive or Compton Boulevard, which was, upon motion of Councilman Morgan, se ed by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4, page 388.

Councilman Sumner said he had received complaints from citizens concerning overloaded truck using city streets, and asked the City Manager if the city could regulate truck weights.

The City Manager stated that he had taken this matter up with the North Carolina League of M nicipalities, and had been advised that only one of the large cities in North Carolina attempted to control tru weights, with the other cities leaving enforcement up to the State Highway Commission's system of truck weighin stations. The City Manager further stated he believed the city would have authority to regulate truck weights all streets except state highway routes, but that enforcement would be very complicated.

However, the City Manager advised he would explore the matter further and report back to the Council.

Miss Fannie McCoy asked for information on when the State Board of Health will hold a publi hearing on the matter of fluoridating the city water.

The City Manager advised that the city's application has not been filed yet, but that he w inform Miss McCoy when it was done.

Mr. Bert Starnes and Reverend Nathan Penland on behalf of the steering committee for the c

evangelical crusade to be held in the City Auditorium November 15th through 25th requested that the chimes in City Building be played every day at noon during the crusade.

The City Manager advised that the city will be delighted to arrange for this to be done.

Councilman McRary stated that questions had arisen concerning the proposal to convert Bee Tree rvoir into a fishing lake, and he thought there should be an explanation to correct any misunderstanding in re- to this.

The City Manager advised that Bee Tree dam was constructed in the mid twenties, and this reser- impounds 600 million gallons of water, of which about 400 million gallons are usable, which is not a great nt of water compared to the five billion six hundred million gallons stored in North Fork Reservoir; that the rying capacity of the improved pipe system just completed is thirty million gallons a day, which is double the ent demand; and that until the present demand is doubled, which in his opinion would be at least fifteen years , he could see no serious objection to using Bee Tree for fishing and recreation in the meantime.

The City Manager further advised that the chlorinating equipment at Bee Tree would be kept in igh state of readiness for use in event a water shortage should make it necessary to draw on Bee Tree, and this ly could be reactivated on twelve hours notice. The City Manager also stated that the city has long had plans developing the Pink Beds watershed in Transylvania County to meet long range water needs.

The City Manager further stated that the cost of developing Bee Tree as a recreation area would be large, and that the property will be open to the public on a fee basis to cover operational costs, and unless re was objection by the Council he would like to proceed to so develop this area.

Miss Fannie McCoy told the Council that Bee Tree might be needed as an emergency water supply.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, October 17, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 17, 1963, at 4:00 o'clock P. M. with or E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. ary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A petition was received signed by sixteen residents in the Conestee Place section alleging that R. L. Coleman Construction Company is using a lot on Conestee Place to deposit rubbish and other materials from truction jobs, and asking the Council to take remedial action.

The City Manager advised that the use of the lot complained of dates from before the enactment the zoning ordinance, and is a nonconforming use in a residential area, but that he had been informed that the ership of the lot had changed hands within recent months. He recommended that the petition be referred to the ning and Zoning Commission for determination of the zoning status of the lot, and the Council carried out this mendation.

A request was received from Lee, Lee & Cogburn, attorneys for Chester A. Cogburn and Wesley Vrable, ing that Lot 1, Sheet 24, Ward 5 be rezoned from residential district to neighborhood trading area, and stating that petitioners plan to dedicate property between the Patton Avenue lot and adjoining residential areas for use as a lic park.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Mulvaney moved that J. William Hendon be appointed as a member of the Civil Service Com- ion to fill the unexpired term of Samuel J. Fisher, which motion was seconded by Councilman Morgan and unanimously ted.

The City Manager presented a Community Facilities Plan and a Public Improvements Program for 1963- , prepared by the planning staff of the Metropolitan Planning Commission in cooperation with the City of Asheville, h are a part of the city's Workable Program of public improvements whose certification by the Housing and Home Fi- e Agency is required to keep the city eligible for federal participation in urban renewal. The City Manager empha- d that these plans are guides in anticipating the city's development needs and scheduling financing, but do not it the city to the programs.

The matter was discussed by members of the Council, and Councilman McRary suggested that funds be mulated to apply toward future projects, said funds to be used only for the specific projects.

Following the discussion, Councilman McRary introduced a resolution approving Community Facilities

Plan, and Public Improvements Program for 1963-1980, for the City of Asheville, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 289.

Miss Fannie McCoy opposed the proposals as being communistic.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, October 24, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 24, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Circulation Manager of the Asheville Citizen-Times urging that a new road be built across the railroad to give access from Sayles Village to the Oakley section.

This letter was received as information by the council.

The City Manager advised that following presentation of petition of a majority of the property owners in the Shiloh section located north of West Chapel Road requesting annexation a resolution setting date of public hearing had been prepared.

Councilman Morgan introduced resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include property located generally north of West Chapel Road in the area of Brad Street, West Chapel Circle and Brooklyn Road, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 290.

The City Manager advised that a contract is necessary between the City of Asheville and a Certified Public Accountant to audit the records of the City, such contract being subject to approval of the Local Government Commission.

Following a discussion, Councilman Mulvaney introduced a resolution authorizing agreement between James E. Ashe, Certified Public Accountant, and City of Asheville, which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 291.
Copy of agreement will be found attached to original resolution.

The City Manager called attention to the 54th Annual Convention of the North Carolina League of Municipalities, which is scheduled to begin in Asheville on Sunday, and urged members of the Council to register and attend as many meetings as possible.

Mr. Thomas Butler, spokesman for a committee from the Sayles Village-Oakley section, presented a petition signed by several hundred residents of the area, asking the Council to enjoin the owners of a bridge across the Southern Railway tracks between Sayles Village and Oakley from closing said bridge and demolishing it until such time as satisfactory arrangements can be carried out to secure a replacement of the bridge.

The City Manager advised that the bridge is not within the corporate limits; that when the area annexed Oakley in 1930 the annexation went only to the east boundary of the Southern Railway's 200 foot right-of-way, and that when Sayles Village was annexed last year the annexation went only to the western boundary of the railroad's right-of-way, leaving the 200 foot width of railroad property spanned by the bridge outside of the city limits; that in order for the city to expend funds on property outside of the city it would be necessary to annex the property, or the city could appeal to the State Highway Commission to take over the bridge.

Members of the Council assured the committee they were anxious to cooperate with the committee in every way possible, and Councilmen Sumner and Morris spoke in favor of annexation of the railroad property to city responsibility. Councilman Sumner said he felt Dan Manufacturing Company shared responsibility for maintaining the bridge, since it was an established access to Sayles Village when the company sold properties in the village to the present owners.

Following the discussion, Councilman Sumner moved that this matter be referred to the City Manager to work with the committee to secure a court injunction against closing the bridge if that is necessary, and to report on action needed for annexation of Southern Railway right-of-way to fix city responsibility for maintaining the bridge, which motion was seconded by Councilman Mulvaney and unanimously adopted.

Mr. Walter McGuire, attorney, presented a petition signed by a number of property owners [illegible]

[illegible] the rezoning of the property on Cumberland Avenue between Cherry and Starnes from residential district to business district.

This request was referred to the Planning and Zoning Commission for report and recommendation.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, October 31, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, October 31, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from T. Carlisle Smith, attorney for Joe Emerson Rose, requesting that the zoning ordinance be amended so as to permit erection of a 28 unit apartment building on property on Central Avenue across from the State Highway Department building.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from Scott Dillingham requesting the rezoning of Lot 22, Sheet 31, Buncombe County and City of Asheville Tax Map, Haw Creek Township, from Residential District to Roadside Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Councilman Algary introduced a resolution appointing member of the City of Asheville Board of Alcoholic Control, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 292.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of the block bounded by King Street, Glenwood Street, Geneva Street, and the new entrance to the Asheville-Biltmore College, and Lot 273, Ward 6, Sheet 8.

Mr. R. R. Williams, Jr., attorney, stated he was present to answer any questions concerning the block bounded by King Street and the other said streets, but there was no objection to this rezoning.

The City Manager advised that in regard to Lot 273, Ward 6, Sheet 8 the original request had included Lots 273 and 274, but that the Planning and Zoning Commission had only recommended the change for Lot 273, which fronted faced on Burton Street, leaving Lot 274 at the corner of Burton Street and Dorchester Avenue as Residential.

Speaking in opposition to this zoning change were E. P. Merkley and Morris Michael.

Following the discussion, the section concerning Lot 273 was deleted from the proposed ordinance, and this matter was referred back to the Planning and Zoning Commission for study and recommendation.

Then Ordinance No. 484, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

The City Manager filed the audit for the City of Asheville Board of Alcoholic Control for the period ending September 30, 1963.

Mr. Paul R. Ford, President of the Malvern Hills Community Club, advised that speeding on Bear Creek Road and other streets in the Malvern Hills section has created intolerable traffic conditions, and presented a resolution of the Club asking the Council to take action to eliminate the frequent flagrant violation of traffic laws, and to police and correct the traffic conditions in Malvern Hills and especially on Bear Creek Road. Other speakers were Mr. Joseph R. Fluharty, Mr. W. G. Hutchison, and Gilbert Maney.

The matter was discussed by members of the Council, and Councilman Algary suggested that traffic enforcement be immediately stepped up.

The City Manager stated that straightening Bear Creek Road involved right-of-way problems, but that a complete survey of traffic conditions, including traffic count, as well as right-of-way survey, will be made as soon as possible, and a report made back to the Council, and that enforcement of traffic laws will be stepped up immediately.

Miss Fannie McCoy again spoke against fluoridation, and her questions were referred to the Corporation Counsel.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 7, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 7, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from J. C. Harrison and wife, Ida Harrison, requesting the rezoning of Lots 103 and 104, Ward 6, Sheets 11 and 13 from RA-6 Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending that the property in Mountainbrook Subdivision annexed under Ordinance No. 469 be zoned RA-10 Residential District.

November 7, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, November 6, 1963, the Commission reviewed a copy of City Ordinance No. 469 annexing the Mountainbrook Subdivision in Chunn's Cove into the City Limits of Asheville, effective March, 1963.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 469 be zoned RA-10 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

Councilman Morgan moved that the above recommendation be accepted by the Council, and that Corporation Counsel prepare an ordinance complying with said recommendation of the Planning and Zoning Commis and to give notice and publication of a public hearing to be held December 5, 1963, which motion was seconded Councilman Algary and unanimously adopted.

A communication was received from the Planning and Zoning Commission advising that the req to rezone Lot 1, Sheet 9, Ward 5 to a district which would permit Trailer Estate Lots had been withdrawn.

November 7, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

In regard to the request signed by Attorney Shelby Horton for Rex Smathers, Sr. that Lot 1, Sheet 9, Ward 5, be rezoned from Residential to a district which would permit Trailer Estate Lots, we are enclosing a copy of Attorney Horton's letter dated November 1, 1963, withdrawing this request.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

This was received as information by the Council.

A communication was received from the Planning and Zoning Commission regarding the use of a lot Conestee Street for disposition of construction materials and rubbish and advising that this matter be referred the Building Inspector.

November 7, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, November 6, 1963, the Commission reviewed the attached request for interpretation of the Zoning Ordinance pertaining to use of a lot on Conestee Street for the disposition of construction materials and rubbish.

It was moved, seconded, and unanimously passed by the Commission that the request be sent back to City Council for referral to the Building Inspector since this matter is an enforcement problem and requires an administrative decision based on how long the property has been used for this use, if the use has ever been abandoned, etc.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

This was received as information by the Council.

Ordinance No. 484, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDI- NCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion Councilman Morgan, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that under the formula in use for some time of guaranteeing owners of ased property a return of six per cent on the fair market value of their property when leased, said fair market ue being based on the tax valuation of the property, two properties are now available for long-term lease for use off-street parking facilities. One property is located a short distance south of Patton Avenue, is owned by a rtnership of T. C. Smith heirs, and the rental would be $285.00 per month, and the other property is located at e corner of Biltmore Avenue and Eagle Street, is owned by the C. B. Reynolds estate, Smith Properties and T. Car- ile Smith, and the rental would be $200.00 per month.

The matter was discussed by members of the Council, Councilman Sumner stating that most property valuations in downtown Asheville are too high, and that the lease terms are based on a fictitious valuation, d further that if this is good, sound business for the city, it should be good, sound business for private opera- rs, and he hated to see the city get into the real estate business. Councilman Algary stated that using tax valua- ons provides a fair scale for setting leasing terms, and Councilman Morgan stated that properties leased have proven luable for parking purposes.

Following the discussion, Councilman Algary moved that the City Manager be authorized to negotiate r leasing the properties for new parking facilities, which motion was seconded by Councilman Mulvaney and adopted.

In response to a question of Miss Fannie McCoy concerning fluoridation the Corporation Counsel ated that Miss McCoy's questions were more in the form of statements, and he did not know of any law that was being olated. Miss McCoy also voiced opposition to the proposed metropolitan sewage disposal plant.

There being no further business, the meeting was upon motion adjourned.

CITY CLERK

Thursday, November 14, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 14, 1963, at 4:00 o'clock P. M. with yor E. W. Eller presiding. Present: Councilmen C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, F. M. lvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was presented from Mr. Wallace Wright requesting that Lot 42, Sheet 25, Ward 8, and Lot 32, Sheet 34, Ward 8 be rezoned from RA-5 Residential District to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was presented from Mrs. F. B. Stencel requesting permission to build two one-family units on a seven-acre tract on Beaucatcher Mountain, as required by Ordinance #424 for construction of group housing on an undivided tract of three acres or more.

Councilman Sumner moved that this request be approved, which motion was seconded by Councilman McRary and unanimously adopted.

Ordinance No. 484, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "aye"
Councilman Mulvaney voted "aye"	Councilman Morgan voted "aye"
Councilman Algary voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 484

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from Residential District to Institutional District:

The block bounded by King Street on the South, Glenwood Street on the East, Geneva Street on the West, and the new entrance to the Asheville-Biltmore College on the North.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of passage.

I move the adoption of the foregoing ordinance, October 31, 1963.

C. E. Morgan
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 14 day of November, 1963, to become effective 29 day of November, 1963.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager called attention to the fact that taxi meters are now required for taxicabs operating in the city, and in order to enforce this regulation it will require an ordinance setting up a rate schedule, and that a rough draft of such ordinance has been prepared calling for metered fares of 45 cents for the first quarter-mile, 10 cents for each succeeding quarter-mile, and 10 cents for each two minutes of waiting time, which ordinance further combines all the taxicab ordinances now in effect into one ordinance. The City Manager advised that the proposed schedule is in line with those in other North Carolina cities where meters are used.

Councilman Algary pointed out that under the proposed meter schedule, a trip to Asheville Airport from downtown Asheville will cost over $4.00, and asked if a flat rate could be worked out for airport trips, and the City Manager said he would take the matter up with the cab companies.

The Council requested the City Manager to put the ordinance in final form for action by the Council.

The City Manager presented the statement showing the budget position for the city for the period ending October 31, 1963.

A request was presented by D. W. Dixon that Jack Roberson, who conducts a similar establishment in Asheville, be allowed to operate a billiard hall at 201 Haywood Road, which property is owned by D. W. Dixon.

The City Manager advised that a city ordinance specifies the areas in which pool and billiard halls may be located, and that while a portion of Haywood Road is so classified the Dixon property is not in the permitted area, and that it would require an amendment to the ordinance to issue a permit to Roberson.

After a discussion, the matter was referred to the City Manager, with report to be made back to the Council.

In response to a question by Councilman Algary the City Manager advised that the installation of the water line to Fletcher was started today, and it was hoped it could be completed by the end of this calendar year. The City Manager advised that requests had been received for a further extension of this line.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, November 21, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, November 21, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, F. M. Mulvaney, T. B. Sumner, J. W. McRary, W. F. Algary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The City Manager and Director of Public Works explained an agreement proposed to be executed with the State Highway Commission adding 13.22 miles of city streets to the state highway system. The City Manager advised that heretofore the State Highway Commission has provided direct maintenance funds only for numbered highways within the city limits, and that the streets to be added now are primarily feeder thoroughfares, and that this is a step in carrying out the city's Master Highway Transportation Plan developed several years ago by Wilbur Smith and Associates.

The following resolution was offered by Councilman McRary and seconded by Councilman Mulvaney and upon being put to a vote was carried on the 21st day of November, 1963:

WHEREAS, the Master Highway Transportation Plan for the Asheville Metropolitan Area that has been adopted by the Municipality and the State Highway Commission is considered to be necessary in order to promote the proper development of the highway system and street system in the Municipality for the safety and convenience of the traveling public; and

WHEREAS, the Municipality and the Commission are directed by statute to reach an agreement as to which of the existing and proposed streets and highways included in the Master Highway Transportation Plan for the Asheville Metropolitan Area will be a part of the State Highway System and which streets will be a part of the municipal street system, it is provided in the plans and proposals that this Municipality cooperates with the said Commission to the extent of:

1. The respective responsibilities of the Municipality and the State Highway Commission for the existing and proposed streets and highways designated in the adopted Master Highway Transportation Plan for the Asheville Metropolitan Area shall be as delineated on the attached map, identified as Map No. 1, entitled "Ultimate State-Municipal Highway and Street Systems Within the Asheville Urban Area", dated October 28, 1963.

2. Either the Municipality or the Commission may propose changes in these system responsibilities at any time giving notice to the other party, but no changes shall be effective until adopted by both the Commission and Municipal governing board.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the plans and proposals for street responsibilities in the City of Asheville by the State Highway Commission and the Municipality of Asheville be and it is hereby formally approved by the City Council of the Municipality of Asheville, and that the Mayor and Clerk of said Municipality be and they are hereby empowered to sign and execute the required agreement between this Municipality and the State Highway Commission.

Complete copy of resolution will also be found in Resolution Book #4 at page 293.

The City Manager reported that an investigation had been made concerning the request of D. W. Dixon that the ordinance regulating billiard halls be amended in order that he could rent his property at 201 Haywood Road to Jack Roberson for a billiard hall; that fifteen tenants in the vicinity had been interviewed and approved use of the building for a billiard hall as preferable to its previous use, and he could see no objection in granting the request.

The City Manager further advised that the applicant would have to meet all standards required by the ordinance, and that the procedure would be to request the Corporation Counsel to prepare an ordinance amending the present ordinance to include the block in which 201 Haywood Road is located.

Councilman Sumner moved that the Corporation Counsel prepare such ordinance to be presented to the Council at its next meeting, which motion was seconded by Councilman Mulvaney and unanimously adopted.

The City Manager advised that he had looked into the matter of transportation to the airport, and that at present a limousine service is maintained to the airport with a rate of $1.75; that the taxicab companies have agreed among themselves to enforce the taximeters for all services whether in the city or out, and this seems to be a better plan; and that a taxicab ordinance has been prepared to be effective after the 31st day of January, 1964.

Following a discussion, Councilman Sumner introduced Ordinance #485, being "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE", which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "aye"
Mayor Eller voted "aye"

Miss Fannie McCoy and Mrs. Lola Mae Lanning spoke in opposition to fluoridation, and Miss McCoy also opposed the proposed sewage disposal plant.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, November 28, 1963 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY CLERK

Thursday, December 5, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 5, 1963, at 4:00 o'clock P. M. with Vice-Mayor Frank Mulvaney presiding. Present: Councilmen J. W. McRary, C. E. Morgan, W. F. Algary, Ralph D. Morris, T. B. Sumner, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from J. O. Crenshaw, W. E. and Thelma Cordell, and Mary Cordell Nesbit, Executrix, that certain lots on Tunnel Road near the Junction of Haw Creek Road in Ward 8 be rezoned from Residential to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending approval of plat of "Eliada Homes, Inc.", provided the grade of Compton Drive does not exceed 12 deg.

December 5, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Eliada Homes Inc." prepared by Ray E. Anders, Land Surveyor, for the Eliada Homes Inc. and dated November 30, 1963, shows the subdivision of real estate off Leicester Highway.

The above described plat has been reviewed by this Commission at a regular meeting held December 4, 1963 and the approval for the right-of-way for Compton Drive was recommended, provided the grade does not exceed 12 deg.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Following a discussion, Councilman Sumner moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance #424, provided the right-of-way for Compton Drive does not exceed 12 deg., which motion was seconded by Councilman Morgan and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lot 22, Sheet 31, Haw Creek Township.

December 5, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held December 4, 1963, the following action was taken on the attached request of Mr. Scott Dillingham:

It was moved, seconded and unanimously passed that the Commission recommend that Lot 22, Sheet 31, Haw Creek Township, remain as it is now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

This communication was received as information by the Council.

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lots 103 and 104, Sheet 14, Ward 6.

December 5, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Dear Sirs:

At the regular meeting of the Asheville Planning and Zoning Commission held December 4, 1963, the Commission took the following action on the attached request of Mr. and Mrs. J. C. Harrison.

It was moved, seconded and unanimously passed that the Commission recommend that Lots 103 and 104, Sheet 14, Ward 6, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

Mrs. J. C. Harrison appeared before the Council in behalf of the rezoning change, advising the Council that the rear boundaries of the lots on the north side of Mace Avenue border Patton Avenue, which is zoned Business except for some 600 feet at that point.

Following a discussion this matter was referred back to the Planning and Zoning Commission for further study and recommendation.

A communication was received from the Planning and Zoning Commission recommending no change in the zoning of Lot 42, Sheet 25, Ward 8 and Lot 32, Sheet 34, Ward 8.

December 5, 1963

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held December 4, 1963, the Commission took the following action on the attached request of Mr. Wallace Wright:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 42, Sheet 25, Ward 8 and Lot 32, Sheet 34, Ward 8, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

The City Manager advised that additional information has been received which justifies the re-ferral of this matter to the Zoning Commission for further study, and the Council referred the matter back to the Planning and Zoning Commission with the hope that in the interest of time a special meeting could be held to re-consider the request.

Ordinance No. 485, being "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE", was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Vice-Mayor Mulvaney voted "aye"

Councilman Morgan introduced a resolution authorizing and directing the Mayor and City Clerk to execute on behalf of the City of Asheville an amended agreement between the City and the Redevelopment Commission of the City of Asheville, North Carolina, relating to Civic Redevelopment Project No. N. C. R-13, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed.

Complete copy of resolution will be found in Resolution Book #4 at page 294.
Copy of Agreement will be found attached to Original Resolution.

Councilman Morgan introduced a resolution known as Supplemental Resolution of the City Council of the City of Asheville, concerning non-discrimination in the Civic Redevelopment Project No. N. C. R-13, which was, upon motion of Councilman Morgan, seconded by Councilman McRary, unanimously passed.

Complete copy of resolution will be found in Resolution Book #4 at page 295.

Councilman McRary introduced a resolution reappointing Bretney Smith as Commissioner Number Two of the Sinking Fund Commission for Buncombe County, which was, upon motion of Councilman McRary, seconded by Councilman Morris, unanimously passed.

Complete copy of resolution will be found in Resolution Book #4 at page 296.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with E. Bretney Smith and wife, Elizabeth B. Smith; F. Stacy Smith and wife, Beatrice M. Smith; T. Carlisle Smith and wife, Hilda B. Smith; Wilfred Smith McConnell (widow); First Union National Bank, Trustee under agreement with Alan A. Smith; Robert Randolph Ball, individually, and as executor of the Estate of Carl V. Reynolds; and Mrs. Alyne Reynolds Ball, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 297.
Complete copy of lease will be found attached to original resolution.

Councilman Algary introduced a resolution authorizing Mayor to execute lease with Alice A. [illegible] unmarried, by her attorneys in fact, T. Carlisle Smith, E. Bretney Smith, and F. Stacy Smith; Margaret B. Smith, widow; Wilfred S. McConnell, widow; T. Carlisle Smith and wife, Hilda B. Smith; E. Bretney Smith and wife, Elizabeth B. Smith; F. Stacy Smith and wife, Beatrice M. Smith; and First Union National Bank of North Carolina, Trustee under agreement with Alan A. Smith, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 298.
Complete copy of lease will be found attached to original resolution.

The City Manager advised that today is the date set for the public hearing on the proposed zoning of certain property recently annexed to the city known as Mountainbrook Subdivision in Chunn's Cove.

Mr. Kinser, representing the developers of this property, requested that this matter be referred back to the Planning and Zoning Commission.

Councilman Algary moved that this matter be referred back to the Planning and Zoning Commission, which motion was seconded by Councilman Sumner, and unanimously adopted.

The City Manager advised that today is the date set for the public hearing on the proposed extension of the corporate limits to include certain property adjoining West Chapel Road in the Shiloh section.

A number of the petitioners were present in favor of this annexation. There being no objection, Councilman Sumner introduced Ordinance No. 486, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Sumner voted "aye" — Vice Mayor-Mulvaney voted "aye"

The City Manager advised that following the request of Mrs. W. D. Dixon he had received a petition signed by nine residents of the area opposing the use of the building as a pool hall, but that other residents were not in opposition.

Mrs. Dixon appeared before the Council to explain the request, and no one appeared to oppose this proposal.

Following the discussion, Councilman Morris introduced Ordinance No. 487, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS, which was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Sumner voted "aye" — Vice-Mayor Mulvaney voted "aye"

There being no further business, the meeting was upon motion adjourned.

Frank D. Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 12, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 12, 1963, at 4:00 o'clock P. M. with Vice-Mayor Frank Mulvaney presiding. Present: Councilmen W. F. Algary, C. E. Morgan, Ralph D. Morris, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Guy Weaver, attorney, requesting the rezoning of Lot 43, Sheet 2, Ward 4, from Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning Director recommending the approval of plat of "Adamswood Subdivision" if satisfactory arrangements are made for the provision of necessary street improvements.

Honorable Mayor
Members of City Council
City Building
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Adamswood Subdivision" prepared by Mr. Sam Huddleston and dated September, 1963, meets the requirements of the Subdivision Regulations and conforms with the conditions stated by the Planning and Zoning Commission in its preliminary approval of said Plat.

It is recommended that this Plat be approved if satisfactory arrangements are made for the provision of necessary street improvements.

Sincerely yours,
S/ Robert D. Barbour
Planning Director

RDB:cj
Encl.

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance #424, if satisfactory arrangements are made for the provision of necessary street improvements, which motion was seconded by Councilman Sumner, and unanimously adopted.

Ordinance No. 485, being "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE, was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote:

Councilman Algary voted "aye" — Councilman Sumner voted "aye"
Councilman Morris voted "aye" — Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 485

AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

ARTICLE 1. IN GENERAL

Section 1. Definitions.

In all matters relating to the administration of this Chapter, whenever the following terms are used, they shall be construed and defined as follows:

(a) The terms "vehicle for hire" or "taxicab" shall include every vehicle driven by gasoline, electric motor or other mechanical devicds (other than limousine service, motor busses operating on regular routes or schedules, and vehicles operating under public or private contract), which shall be used for the purpose of carrying, transporting or conveying any person from one place to another, for which services a charge or fee is made

(b) The term "City chauffeur's license" means the license or permit issued by the City, after examination, authorizing a person to drive a motor vehicle or taxicab operating under this Chapter.

(c) The term "operator's license" means the certificate of public convenience and necessity issued by the City Manager to a person, firm or corporation who owns and operates one or more motor vehicles or taxicabs to be used for hire and transporting passengers within the City.

(d) The term "owner" means any person, firm or corporation to whom a certificate of public convenience and necessity has been issued.

(e) The term "City" means the City of Asheville.

Section 2. Compliance by Owners or Operators with all Ordinances.

It shall be the duty of every owner or operator of a taxicab as defined in this Chapter to comply with the provisions of this Chapter and require that all drivers or chauffeurs driving or proposing to drive such taxicab for such owner or operator adhere to and at all times confirm to the requirements of this Chapter.

It shall be unlawful for any owner or operator of a taxicab, as defined in this Chapter, to drive or operate any taxicab upon the streets of the City of Asheville in violation of the provisions of any of the Ordinances of the City.

It shall further be unlawful for any owner or operator of such taxicab to knowingly permit or cause to be driven or operated upon any of the streets or other public ways of the City of Asheville any such taxicab belonging to such owner or operator by any driver or chauffeur who has not complied with or who violates any of the provisions of this Chapter or any of the Ordinances of the City of Asheville.

Section 3. Driver's Identification Card.

When a permit to drive a taxicab has been issued by the Taxicab Inspector in accordance with the provisions of this Chapter, such driver or chauffeur shall have issued to him by the Taxicab Inspector a permit to drive a taxicab and an identification card not less than 4 x 5½ inches in dimension and which identification card shall contain a photograph of said chauffeur or driver, with full description, residence, address and finger prints of said applicant.

The identification card above referred to shall be kept posted by the driver or chauffeur on the inside of the taxicab which said driver may be operating in a permanent container and in conspicuous view of the passenger or passengers in said taxicab, in the space immediately above the front windshield and in the middle thereof measured from the left door to the right door.

Section 4. Report of Accident to Police.

It shall be unlawful for the driver of any taxicab to move the same or cause the same to be moved after a collision or accident involving such taxicab until such driver shall have first reported the same to the Police Department of the City and a Police Officer has arrived at the scene of such accident and authorizes the removal of such taxicab.

Section 5. Qualifications of Taxicab Drivers.

That in addition to the requirements otherwise provided by this Chapter, and as a condition precedent to the granting of City chauffeur license to persons for the operation of taxicabs upon the streets of the City, all persons who may apply for taxicab drivers' licenses after the date this ordinance becomes effective shall be required to furnish:

(a) Evidence that the applicant is free from any contagious or infections disease, impaired hearing or eyesight which is not corrected by glasses;

(b) Satisfactory knowledge of traffic laws;

(c) Satisfactory evidence of good character.

(d) Be not less than 21 years of age.

ARTICLE 2. INSPECTION

Section 1. Appointment of Taxicab Inspector.

The City Manager is hereby authorized to employ or designate a City Taxicab Inspector, whose duties shall be to inspect all vehicles operating as taxicabs and give examinations to driver applicants for chauffeur's license, as hereinafter provided.

Section 2. Final Date for First Inspection.

The inspection of taxicab vehicles shall be commenced as soon as possible after this ordinance shall become effective, and it shall be unlawful for any person, firm or corporation to operate a taxicab in the City for more than ninety (90) days after this ordinance shall become effective without first having the same inspected by the City Taxicab Inspector.

Section 3. Regular Inspection Required at Intervals.

The Taxicab Inspector shall require reasonable and regular inspection of each and every taxicab operated in the City not less often than every six months, and at any other time when in the discretion of the Inspector said taxicab may have become unsafe for operation by reason of accident and collision or for any other reason.

Section 4. Certificate to be Posted.

That every taxicab which has successfully passed the examination and fulfilled the requirements of State law and the Ordinances of the City as to equipment, safe condition of brakes, lights and all other requirements, shall be issued a certificate, and that the owner of such taxicab or taxicabs shall cause such certificate or certificates to be posted at some conspicuous place in said vehicle as may be determined by the taxicab inspector.

Any car failing to pass said examination or inspection, and for which no certificate shall be issued, or for which a previously issued certificate shall be revoked, shall not thereafter be operated until it shall have been repaired in such manner as to satisfy the Taxicab Inspector that it meets all requirements of State law and City Ordinances regarding the physical condition of motor vehicles, and to the owner of which shall have been issued a certificate to such effect. The Taxicab Inspector shall have the right to revoke any certificate, at any time, if the taxicab referred to therein is found to be unfit or unsafe.

For each inspection of each taxicab there shall be charged and collected on behalf of the City the sum of 25¢.

ARTICLE 3. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Section 1. Declaration of Convenience and Necessity.

It shall be unlawful for any person, firm or corporation to operate, either directly or indirectly, any taxicab in the City of Asheville without having first obtained a Certificate of Public Convenience and Necessity from the City Manager authorizing such operation. Request for same shall be in writing to the City Manager, who shall have thirty days within which to grant or deny in writing the requested Certificate of Public Convenience and Necessity. Any aggrieved party shall have ten days within which to note an appeal to the City Council, said appeal to be filed with the City Clerk. The City Council shall give at least ten days public notice of the hearing of said appeal, said notice to be published in any newspaper in general circulation in the city. The action of the City Council shall be final.

PROVIDED, however, that such hearing, and declaration of Public Convenience and Necessity shall not be necessary for the licensing and continuing operation of the same number of taxicabs now licensed for operation and operated by the present owner under the same name and color scheme for which license was issued previous to the passage of this Ordinance; and the City Manager shall grant and issue to each person, firm or corporation qualifying under this provision a Certificate of Public Convenience and Necessity for each taxicab now operated by such owner, subject to the compliance by such owner with such conditions as the City Manager may now or hereafter impose, and providing all requirements of this Ordinance have been complied with.

Each and every Certificate of Public Convenience and Necessity shall continue in full force and effect so long as the holder thereof continues in the operation of the taxicab business in the City of Asheville in compliance with all provisions of this Ordinance, but may, for good cause shown, be revoked by the City Council after ten days' written notice of a hearing on the subject matter to the owner and operator in question.

Section 2. Assignment or Transfer.

No certificate may be assigned, sold or transferred unless and until the Taxicab Inspector, on written application setting forth the purpose, terms and conditions of such assignment or transfer, shall, after investigation, refer the same to the City Manager for approval or disapproval.

The approval of the City Manager, in writing, shall be necessary, and without such approval no certificate may be assigned, sold or transferred, and any attempt at such sale, transfer or assignment shall be totally null and void and of no effect.

Section 3. Hearings.

With the exception of the above proviso, no Certificate shall be granted for additional cabs to present operators or new applicants until the City Council shall, after a hearing, declare by Resolution that public convenience and necessity require the proposed taxicab service.

In determining whether public convenience and necessity require the operation of a taxicab the following considerations shall be controlling:

(a) Whether the demand for public convenience and necessity requires such additional taxicab service within the City;

(b) The adequacy of existing mass transportation and taxicab service;

(c) The financial responsibility and experience of the applicant for such certificate;

(d) The ability of the applicant to earn a fair return on the capital invested;

(e) The effect which such additional taxicab service may have upon traffic congestion and parking,

(f) Whether the additional taxicab service will result in a greater hazard to the public, and whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved; and

(g) Such other relevant facts as may be deemed advisable and necessary.

Section 4. Suspension and Revocation of Certificates.

Certificates of Necessity and Convenience may be suspended temporarily or revoked by the City Manager at any time in case:

(a) The owner's past record is found to be unsatisfactory;

(b) The owner fails to operate the taxicab or taxicabs in accordance with the provisions of this Chapter;

(c) The owner shall cease to operate any taxicab or taxicabs for a period of thirty consecutive days, without first having obtained permission for cessation of such operation from the Taxicab Inspector;

(d) The taxicab is operated at a rate of fare other than that prescribed by this Chapter or any amendment thereof;

(e) For any other reason which the City Manager may deem warrants suspension or revocation.

(f) Suspension or revocation shall be in writing, and any aggrieved party may have the same right of appeal to the City Council as is herein provided. Any owner or operator shall immediately cease operation upon receipt of said written notice and not resume operation until the Certificate is restored, or the suspension expires.

ARTICLE 4. TAXIMETERS

Section 1. Taxicabs to be Equipped with Taximeters.

No application for a license to operate a taxicab in the City shall be granted or renewed for any owner or driver of any taxicab within the City and no taxicab which is now operating under a City license and permit shall be permitted to operate on the streets of the City after 31st day of January, 1964, unless such vehicle is equipped with a standard taximeter of such type, style and design as may be approved by the City Manager; and it shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition, so that such taximeter will at all times correctly and accurately indicate the legal charge for the distance travelled and waiting time.

Section 2. Testing and Inspection of Meters.

Such taximeters shall be at all time subject to inspection by the Taxicab Inspector or the Chief of Police.

No person, firm or corporation owning and operating any taxicab in the City shall offer or let the same for hire anywhere within or without the City unless the taximeter installed thereon has been inspected and approved by the Taxicab Inspector or the Chief of Police; and no such person, firm or corporation shall detach any certified or inspected taximeter from any taxicab and attach the same to any other taxicab the wheels of which are of different diameter than those with which said taximeter was previously tested, until less and until a new inspection or certification is had on such taximeter.

Such taximeter shall be at all times subject to inspection by the Taxicab Inspector or the Chief of Police, and the Taxicab Inspector or the Chief of Police is hereby authorized at his instance or upon complaint of any person to investigate such taximeter or cause it to be investigated, and upon the discovery of any inaccuracy in such meter, to remove or cause to be removed from the streets of the City such vehicle equipped with such taximeter until such time as said taximeter shall have been correctly adjusted.

Section 3. Placement of Taximeter and Illumination of Dial.

Every taximeter hereafter placed on a taxicab to be operated in the City shall be so arranged that the dial thereof is in plain view of the passenger while riding in said taxicab or upon alighting from same.

Each taxicab shall during the period between sunset and sunrise be equipped with a light which shall be so reflected upon the dial of the taximeter as to enable the passenger or passengers engaging and in such taxicab to read the figures and fares indicated thereon.

Section 4. Rates of Fares.

No person, firm or corporation now licensed by the City as a taxicab operator or hereafter granted a license and Certificate of Convenience and Necessity for such operation shall fix or charge a greater or lesser rate of fare than the following:

(a) For the first one-fourth mile or fraction thereof - - - - - - - - - - - - 45¢

(b) For each succeeding one-fourth mile - - - - - - - - - - - - - - - - - - - 10¢

(c) For each two minutes of waiting time or fraction thereof - - - - - - - - 10¢

Waiting time shall include the time when the taxicab is not in motion, beginning with the arrival at the place to which it has been called, or the time consumed while standing or waiting at the direction of the passenger, but no charge shall be made for time lost for inefficiency or breakdown of the taxicab or for time consumed by premature response to a call.

The charge for each piece of luggage in excess of two average-size travelling bags or their equivalent in size shall be 10¢.

Section 5. Charges to be Fixed by Taximeter Only.

All charges for transportation of passengers in taxicabs operated in the City, except when hired on a per-hour basis, must be based on the charges indicated on such taximeters. No owner, driver or operator of any taxicab shall charge any passenger or passengers any sum in excess of or less than the sum indicated on such taximeter.

Section 6. Display of Taximeter Flag.

Every taximeter shall be equipped with a flag or other mechanical device, and such flag shall be so attached and connected to the mechanism of such taximeter as to cause the fare meter to operate when such flag is in a position other than upright and indicate that the taxicab is not for hire, and which flag shall, when moved forward or downward, start the operation of such taximeter so that the same will operate in the manner defined herein.

Section 7. Operation of Taximeter when Vehicle not Employed.

No driver of a taxicab while transporting passengers for hire shall display the taximeter flag in any position other than the position of recording a fare, and no driver of a taxicab, unless carrying passengers or parcels for hire, shall operate said taxicab unless the taximeter flag is in an upright position indicating that said cab is not engaged or hired.

Section 8. Change in Fare Rates.

The City Council shall have the power at all times to change the rate and schedule of fares hereinbefore prescribed by Resolution after a hearing on such matter, provided that five days' notice of the time and place of such hearing shall have been given to all duly licensed taxicab operators in the City.

ARTICLE 5. GENERAL PROVISIONS

Section 1. Vehicles from Other States.

Taxicabs or other public vehicles for hire, having no City license and whose place of business is not in the City, may bring passengers into the City, but shall not solicit any passengers for any destination within or without the City; and in the event of violation of this section, such person shall, upon conviction, be fined not less than $10.00 nor more than $50.00.

Section 2. Penalty for Violation of Chapter.

Any person, firm or corporation violating the provisions of this Chapter shall pay a fine of not more than $50.00 for each offense or violation, and each day said offense occurs or continues shall constitute a separate and distinct offense, unless the particular section alleged to have been violated shall prescribe its own penalty, in which event the penalty provided in such section shall apply.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Asheville hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. Date to Take Effect.

This ordinance shall take effect and be in effect from and after the 31st day of January, 1964.

Section 5. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

I move the adoption of the foregoing ordinance, this 21 day of November, 1963.

T. B. Sumner
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 12 day of December, 1963, to become effective 1 day of February, 1964.

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

Ordinance No. 486, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman Algary voted "aye" Councilman Sumner voted "aye"
Councilman Morris voted "aye" Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Ordinance No. 487, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman Algary voted "aye" Councilman Sumner voted "aye"
Councilman Morris voted "aye" Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

Councilman Morgan introduced a supplemental resolution relating to State-Municipal Responsibilities for various streets and highways included in Asheville Master Highway Transportation Plan, which was, upon motion of Councilman Morgan, seconded by Councilman Morris, unanimously adopted.

SUPPLEMENTAL RESOLUTION RELATING TO STATE-MUNICIPAL RESPONSIBILITIES FOR VARIOUS STREETS AND HIGHWAYS INCLUDED IN ASHEVILLE MASTER HIGHWAY TRANSPORTATION PLAN

WHEREAS, the Master Highway Transportation Plan for the Asheville Metropolitan Area is considered to be necessary in order to promote the proper development of the highway and street system in the municipality for the safety and convenience of the traveling public; and

WHEREAS, the Municipality and the Highway Commission have reached agreement to which of the existing and proposed streets and highways included in the Master Highway Transportation Plan for the Asheville Metropolitan Area will become a part of the State Highway System and which streets will become a part of the municipal street system; and

WHEREAS, the staff of the Highway Commission and the staff of the Municipality have reviewed the existing State Highway System within the municipal corporate limits with respect to conformance with the agreed upon ultimate State Highway System and Municipal Street System;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That it is proposed that the following streets be added to the existing State Highway System as of May 31, 1964:

(1) The portion of Beaverdam Road from NC 694 to the Asheville corporate limits;

(2) The portion of Haw Creek Road from US 70 to the Asheville corporate limits;

(3) The portion of Johnson Boulevard from Haywood Road (US 19 & 23 Business) to the Asheville Corporate Limits;

(4) The portion of Sandhill Road from Haywood Road (US 19 & 23 Business) to the Asheville corporate limits;

(5) The portion of Broadway from Merrimon Avenue (US 19, 23, 25, 70) to the Asheville corporate limits;

(6) The portion of Burnsville Hill Road from Merrimon Avenue (US 19, 23, 25,70) to the Asheville corporate limits;

(7) The portion of Bryson Street from Swannanoa River Road (NC 81) to Biltmore Avenue;

(8) The portion of Meadow Road from Biltmore Avenue to Amboy Road;

(9) The portion of Amboy Road from NC 191 east to Meadow Road (at Swannanoa River);

(10) The portion of Biltmore Avenue from US 25 southward to Swannanoa River Road (NC 81);

(11) The portion of Louisiana Avenue from Haywood Road (US 19 & 23 Business) northward to the Asheville corporate limits.

I move the adoption of the foregoing resolution.

C. E. Morgan
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 12 day of December, 1963.

APPROVED AS TO FORM:
O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 299.

The City Manager presented the statement showing the budget position of the city for the period ending November 30, 1963.

The City Manager announced that Carl B. Hyatt, Jr., executive Director of the United Fund for the past two years, will return to his former city post as Director of Public Safety on January 1st, and that although Mr. Hyatt will take up his old duties as Director of Public Safety he will continue his responsibilities to the United Fund for the time being.

The City Manager advised that Mr. Hyatt's return will signal a stepped-up campaign for better housing conditions which may lead to the construction of more low rent public housing units if private capital does not solve this problem.

"I am pleased to announce that Carl B. Hyatt, Jr. is returning to the City of Asheville as Director of Public Safety as of December 1st.

"A review of properties, especially of the rental type, indicates improvements are lagging, and, unless the Department of Public Safety carries out the intent of the Substandard Ordinance, thousands and thousands of citizens of this city will continue to reside in properties that are over-crowded and not fit for human habitation.

"Asheville could use a minimum of three thousand new dwelling units for citizens in the average income bracket. The Director of Public Safety will be asked to look into this entire problem, to include the initiative on the part of private capital to solve this problem or the possibility of additional public low rent housing units. If private capital does not solve this problem, a program will be recommended to the Council to provide this city with additional standard residential units for average income families. Also involved in this problem is the failure on the part of appraisers to take a more realistic view of the family income in order to secure sufficient financing for an average income family to own a home. It is the belief of this office when housing conditions are improved many social problems will be solved in this city."

Councilman Morris expressed sympathy of the Council and city officials over the death of City Fireman Charles A. Werhan, who was killed fighting a fire last Monday. Mr. Morris pointed out that Mrs. Werhan will receive 70 per cent of Mr. Werhan's salary, or $3,094 a year, as long as she remains unmarried.

Mr. Morris suggested that persons wishing to make contributions to aid the family of Mr. Werhan should do so through a bank designated by the Werhan family.

In response to a question by Councilman Algary as to what has happened to plans to purchase a zebra for Recreation Park Zoo, Mr. Dermid advised that at present there are no zebras for sale, but the search is continuing.

Councilman Algary asked for information on enforcement of city ordinance governing excavations, stating he had seen excavation cuts which are much too steep, and the City Manager advised the ordinance does not apply if a building permit has been issued.

The City Manager advised that clearing of land is under way on the city's new municipal golf course west of the French Broad River.

There being no further business, the meeting was upon motion adjourned.

Frank D. Mulvaney
VICE-MAYOR

Margaret Simmons
CITY CLERK

Thursday, December 19, 1963 - 4:00 o'clock P. M.

The City Council met in regular session Thursday, December 19, 1963, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from the Planning and Zoning Commission recommending the re- zoning of the portion of Lot 42, Sheet 25, Ward and Lot 32, Sheet 34, Ward 8 lying between the boundary of the existing Roadside Business Area district and a line paralleling Beaucatcher Road and lying 100 feet east thereof under certain conditions.

December 19, 1963

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a Special Meetinf of the Asheville Planning and Zoning Commission held December 16, 1963, the request of Mr. Wallace Wright for the rezoning of certain property from RA-6 Residential District to Roadside Business Area was considered. The property in question included those portion of Lot 42, Sheet 25, Ward 8, and Lot 32, Sheet 34, Ward 8, lying between the boundary of the existing Roadside Business Area district and a line paralleling Beaucatcher Road and lying 100' east thereof.

It was moved seconded, and unanimously passed that the property be rezoned Roadside Business Area provided that:

1. The area to be rezoned not extend beyond a line parallel to Beaucatcher Road and lying 100 feet to the east thereof;

2. That the developers provide a grading plan conforming to the requirements of the Grading Ordinance of the City of Asheville, which plan shall become part of the site plan; and

3. That the developers include as part of the grading plan provisions for stabilizing the deep cut in the rear of the property in the vicinity of Beaucatcher Road, with grass, landscaping, etc.

The stabilization of this 60 foot cut should be performed in a manner meeting the specifications of the State Highway Commission on similar highway cuts to prevent unsightly appearance and excessive erosion.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary, Asheville
Planning & Zoning Comm.

AT TT
Encl.

This matter was discussed by the Council, and Councilman Algary suggested that the proposed ...ance should include a provision that there be no parking within seventy-five or a hundred feet of the high... order to get cars immediately off the highway.

Following the discussion, Councilman Morgan moved that the above recommendation be accepted ... the Council and that the Corporation Counsel prepare an ordinance complying with said recommendation of the Planning and Zoning Commission, and to give notice and publication of a public hearing to be held January ... 1964, which motion was seconded by Councilman Sumner, and unanimously adopted.

Councilman Algary again discussed the excavation ordinance, and suggested that this ordinance be amended to include regulation of excavation on property where a building permit is issued.

The City Manager advised that state law governs the matter of lateral support.
Counsel
The Corporation was requested to investigate this matter, and report back to the Council.

Ordinance No. 486, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE ... ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 486

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, a majority of the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owners of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 5th day of December, 1963 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

Located in Ward 7, Sheet 18, Buncombe County, North Carolina, and described as follows:

BEGINNING at a concrete marker (Corner No. 18) in the 1929 City Limits line of the City of Asheville, said marker being in Lot 221, Ward 7, Sheet 18 of Buncombe County Tax Map, 50 feet South of centerline of West Chapel Road, and runs thence with existing City Limits line North 0 deg. 14' East 746.28 feet to a hub in the North property line of Lot 210-3/4 38.93 feet West of an iron pin at the common property corner of Lots 210-3/4 and 555; thence leaving present City Limits line and running through said iron pin South 86 deg. 40' East 518.93 feet along North edge of property shown on plat entitled "Property of Lucious W. Williams" and recorded in office of the Register of Deeds of Buncombe County, N. C. in Plat Book 23 at page 24 to an iron pin at the Northeast corner of said plat; thence South 3 deg. 20' West 827.40 feet along the east edge of said plat to a hub located 30 feet South of centerline of existing West Chapel Road; thence running the following bearings and distances parallel to, and 30 feet South of centerline of existing West Chapel Road: North 81 deg. 14' West 166.80 feet; North 73 deg. 00' West 104.70 feet; and North 70 deg. 40' West 136.10 feet; thence 84 deg. 33' West 80.60 feet to the point of BEGINNING. Containing 8.99 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 5 day of December, 1963.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 19 day of December, 1963, to become effective 3 day of January, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 487, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 487

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 193 - District, Description of - of Article 16, Chapter 2, of Ordinance 298, known as The Code of the City of Asheville, be amended as follows:

Under BILLIARD HALL DISTRICT NO. III after the words "Oakwood Road" inserting the following: "and on the west side of Haywood Road from the intersection of Brownwood Avenue to the intersection of Howard Street".

Section 2. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 5 day of December, 1963.

Ralph D. Morris
COUNCILMAN

SECONDED BY: J. W. McRary
COUNCILMAN

Read, approved and adopted, this 5 day of December, 1963, to become effective 3 day of January, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager presented the audit for the City of Asheville for the period ending September 30, 1963

Mr. Roy Booth, on behalf of Humble Oil & Refining Company, presented an option to lease certain property at the Airport for use as a filling station.

The City Manager explained that said option covered a period of twenty years, with the privilege of renewing for an additional ten years; that the rent would be $125.00 per month for the first ten years, $150.00 for the second ten years, and $175.00 for the third ten years if the option renewal is exercised; and that said proposal is in keeping with the development of the Airport property as designated on the appraisal map, and the station to be erected would be in keeping with other improvements in the area.

The Council referred this matter to the City Manager for investigation and report back to the Council.

Councilman Morris again reviewed the death of city fireman Charles A. Werhan, and stated that not much publicity had been given to contributions to the Werhan family.

The City Manager advised that the widow will receive 70 per cent of Mr. Werhan's salary as long as she remains unmarried, and that provision has been made for this expenditure.

The Council requested that the Corporation Counsel prepare a resolution regretting the death of John Vance, County Commissioner and former member of the City Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, December 26, 1963 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the Council was held on the above date.

MAYOR

CITY CLERK

Thursday, January 2, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 2, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, W. F. Algary, J. W. McRary, T. B. Sumner, C. E. Morgan, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

Councilman Morgan introduced a resolution appointing members of Board of Trustees of the Firemen's Relief Fund, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 300.

Councilman McRary introduced a resolution expressing regret at the death of John Catlett Vance which was, upon motion of Councilman McRary, seconded by Councilman Morgan, and signed by all members of the Council, unanimously adopted.

RESOLUTION EXPRESSING REGRET OF THE DEATH OF JOHN CATLETT VANCE

WHEREAS, the recent death of John Catlett Vance brings great sorrow to each member of the Council of the City of Asheville, all of whom have been personally acquainted with him; and

WHEREAS, it is desirable and appropriate to officially recognize and praise Mr. Vance for his long and bountiful record of public service in various and distinguished official positions in Asheville, Buncombe County and Western North Carolina over a period of many decades;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That this resolution be entered in the minutes of the Council of the City of Asheville, and that a copy of the same be given the family.

I move the adoption of the foregoing resolution.

SECONDED BY:

J. W. McRary
COUNCILMAN

C. E. Morgan
COUNCILMAN

Frank Mulvaney
COUNCILMAN

W. F. Algary
COUNCILMAN

Ralph D. Morris
COUNCILMAN

T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 2 day of January, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book #4 at page 301.

The City Manager advised that the city would construct two 500,000 gallon reservoirs to serve the Enka, South Hominy, South Buncombe sections to the Haywood County line, which would in his opinion overcome the water problem in Buncombe County for sometime to come. The City Manager stated that originally one 1,000,000 gallon reservoir had been planned, but because of widespread development going on in the South Hominy section the two reservoirs would serve a greater area.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 9, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 9, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, W. F. Algary, Ralph D. Morris, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

The Council received a request from Scott Dillingham that Lot 22, Sheet 31, Haw Creek be rezoned for a depth of 300 feet to Roadside Business Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A communication was received from the Planning and Zoning Commission recommending the zoning of the Mountainbrook Subdivision in Chunn's Cove, annexed by Ordinance 469, as RA-6 Residential District.

January 9, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, January 8, 1964, the Commission reviewed a copy of City Ordinance No. 469, annexing the Mountainbrook Subdivision in Chunn's Cove into the City Limits of Asheville effective March, 1964.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance No. 469 be zoned RA-6 Residential District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl.

A communication was received from the Planning and Zoning Commission recommending that the property bordering Brad Street and West Chapel Road, south of Biltmore, annexed by Ordinance No. 486, be zoned RA-5 Residential District.

January 9, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held Wednesday, January 8, 1964, the Commission reviewed a copy of City Ordinance No. 486, annexing property bordering Brad Street and West Chapel Road, south of Biltmore, into the City Limits of Asheville effective January 3, 1964.

After discussion, it was moved, seconded, and unanimously passed that the Commission recommend that the property described in City Ordinance 486 be zoned RA-5 Residential District.

Sincerely,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A communication was received from the Planning and Zoning Commission recommending that Lots 52 and 53, Ward 8, Sheet 33; Lots 34 and 34-1/2, Ward 8, Sheet 21; and Lot 34-1/4, Ward 8, Sheet 21, be rezoned from Residential District to Roadside Business Area.

January 9, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held January 8, 1964, the following action was taken on the attached request of J. C. Crenshaw, W. E. and Thelma Cordell and Mary Cordell Nesbitt, Executrix for the Estate of R. G. and Sarah Cole:

It was moved, seconded and unanimously passed that the Commission recommend that Lots 52 and 53, Ward 8, Sheet 33; Lots 34 and 34-1/2, Ward 8, Sheet 21; and Lot 34-1/4, Ward 8, Sheet 21, be rezoned from Residential District to Roadside Business Area.

Sincerely yours,

S/ Anthony Redmond,
Anthony Redmond,
Secretary

AR:nr
Encl:

Councilman Algary moved that the above recommendations be accepted by the Council, and that the Corporation Counsel prepare an ordinance complying with said recommendations of the Planning and Zoning Commission and to give notice and publication of a public hearing to be held on February 6, 1964, which motion was seconded by Councilman Morris and unanimously adopted.

A communication was received from the Planning and Zoning Commission recommending that Lots 103 and 104, Sheet 14, Ward 6, remain as they are now zoned.

January 9, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At a regular meeting of the Asheville Planning and Zoning Commission held January 8, 1964, the Commission took the following action on the attached request of Mr. and Mrs. J. C. Harrison:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 103 and 104, Sheet 14, Ward 6, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

Mr. Francis J. Heazel, attorney for the owners of this property, requested that he be allowed to be heard.

Following a discussion, the Council decided to include this matter in the public hearing to be held on February 6th, and requested that the members of the Planning and Zoning Commission be invited to attend said hearing.

The City Manager explained plans for razing The Langren Hotel and erection of a modern parking building on this site, and the participation by the City, the Northwestern Bank and Goodyear Mortage Corporation in this operation.

"This office has been in many conferences with the owners and builders of the Northwestern Bank Building, which is to be constructed on Pack Square, to assist in providing off-street parking spaces to service the bank and other parking needs in the immediate area.

"All interests concerned have agreed that the best solution on a long-term basis to furnish additional parking in this area would be to construct a multiple storage parking building on the site of the Langren Hotel and the Lange property adjacent to the east of the Langren Hotel on College Street.

"In order to accomplish this, it is recommended that the City of Asheville accept a deed for all of the above property and pay interest at the rate of 4½% annually on a $333,333.00 purchase money mortgage, said interest amounting to $15,000.00 annually, payable monthly. Under this condition the City of Asheville would be free to lease its own property for the purpose of constructing a multiple parking storage facility that would have a capcity to park a minimum of 300 automobiles to serve this area.

"At the termination of the 50 year period the City of Asheville would have the right to purchase the property with the improvements for the amount of the purchase money mortgage. That simultaneously with the purchase money mortgage an agreement be entered with the Northwestern Bank to purchase the property from the City at the end of the 50 year period for $433,000.00.

"The Goodyear Mortgage Corporation of Charlotte, North Carolina has agreed to immediately lease this property from the City of Asheville, assume the City of Asheville financial commitment and pay all the ad valorem taxes on the improved property, and construct the necessary multiple storage facility to provide for a minimum of 300 car parking spaces, and operate the facility."

Councilman Sumner stated that he saw no reason for the city to be involved in these plans.

The City Manager explained that this was a cooperative effort to provide parking in this area, that it would upgrade the entire area and add several million in capital improvements to the tax books, and that it is a partnership of private enterprise and government leadership.

Councilman McRary moved that the City Manager be authorized to proceed with the legal arrangements, which motion was seconded by Councilman Mulvaney, and adopted, with Councilman Sumner voting no.

The City Manager recommended the execution of an Option for Lease with the Humble Oil and Refining Company under the proposal heretofore submitted to the Council, and advised that he had received an inquiry from the Pure Oil Company concerning developing a complex at the Airport, consisting of a motel, service station and possibly a restaurant.

Following a discussion, Councilman Sumner introduced a resolution authorizing and directing Mayor and City Clerk to execute option for lease with Humble Oil and Refining Company for certain property near the Asheville Airport, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 302.
Copy of Option for Lease will be found attached to original resolution.

The City Manager presented an Annual Report of analysis of operations at the Asheville Airport.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of certain property on the Tunnel Road, and that an ordinance had been prepared providing for the rezoning and containing the provisions and restrictions recommended by the Planning and Zoning Commission.

Councilman Algary stated that he understood the tract was to be developed as a shopping center, and that in view of traffic conditions on Tunnel Road, he thought parking should not be permitted within 75 feet of the highway.

Mr. Perry M. Alexander, Jr. identified himself as the proposed developer, and told the Council that such a restriction would make it virtually impossible to carry out the shopping center project, pointing out that other establishments on Tunnel Road are not subject to such a restriction.

The City Manager stated that the site contains more than three acres, and that the site plan will be presented to the Council.

The Mayor ruled that the matter of parking placement would be settled when the site plan comes to the Council.

Following the discussion, Ordinance #488, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, AS AMENDED, TO ZONE THOSE PORTIONS OF LOT 42, SHEET 25,WARD 8, AND LOT 32, SHEET 34,WARD 8, LYING BETWEEN THE BOUNDARY OF THE EXISTING ROADSIDE BUSINESS AREA DISTRICT AND A LINE PARALLELING BEAUCATCHER ROAD AND LYING 100 FEET EAST THEREOF AS ROADSIDE BUSINESS", was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Council Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager recalled that some months ago the Chamber of Commerce presented to the Council a proposal for renovation of the Asheville Auditorium, at which time Councilman Algary made some suggestions looking toward a new convention hall or coliseum in the Urban Renewal area, but that the $750,000 bond issue approved for the city's share of the project could not be used to purchase a site for the proposed coliseum since the use of the bond money was specifically earmarked in the bond election.

At this point Councilman Algary stated that he had talked to the U. S. Housing and Home Finance Agency office in Atlanta, and that they thought well of locating a coliseum in the project area.

The City Manager stated that the problem was not one of HHFA approval, but of legal bond restrictions, and further that at his request the city planning staff had fully studied the problem of the auditorium and has recommended that the existing structure, if improved, will serve for many years to come. The staff recommends that the building be extended forward at street level to provide a larger lobby and committee rooms, but that no extension of the basement exhibition hall be made, and further that adjoining property be purchased to provide parking space.

Councilman Algary objected to this, and repeated his belief that the city will soon need a much larger facility and that the redevelopment area is the right place for it.

The City Manager requested authorization to employ an architect to prepare plans and a cost estimate of the proposed auditorium improvements.

Councilman Morgan moved that the City Manager be so authorized.

Councilman Sumner offered an amendment to the motion to the effect that the architect's fee not exceed 10% of the estimate.

Neither motion received a second.

Councilman McRary stated he thought the city needed a smaller auditorium for small events, and was advised that the Civic Arts Center has this in mind.

The City Manager then asked if the Council would approve the city staff preparing a rough estimate.

Councilman Sumner then moved that the City Manager prepare an estimate with the city staff of the proposed improvements, which motion was seconded by Councilman Morris and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY

Thursday, January 16, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 16, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, J. W. McRary, C. E. Morgan, W. F. Algary, Ralph D. Morris, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved, with the exception Councilman Algary stated he had been misquoted in the minutes of the last meeting and in the press as saying that part of the $,50,000 bond money approved for the city's civic redevelopment project could be used for purchase of a site for a new convention center in the project area. Councilman Algary said he understood the bond money could not be usedfor such a purpose, and did not make such a proposal.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat of 'Nob-View Tract".

January 16, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Dear Sir:

The attached plat entitled "Nob-View Tract" prepared by B. L. Lefler, Registered Land Surveyor, for Muriel Foley and dated August 27, 1962, shows the subdivision of real estate off Cherokee Road.

The above described plan was reviewed at a regular meeting of the Commission on October 3, 1962 and given preliminary approval, subject to certain conditions. These conditions have been satisfactorily met and it is recommended that this plat be approved.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director

RDB:nr
Encl:

Councilman Algary moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Morris and unanimously adopted.

A letter was received from Mr. Frederick B. Steiner requesting the Council to consider the possibility of waiving the 50 foot requirement on North Pershing Road and accept a temporary 32 foot dedication.

This request was referred to the Planning and Zoning Commission for study and recommendation.

An offer was received from O. C. Maney, 22 Princeton Drive, to purchase a 50 foot frontage on Riverside for the sum of $40.00 per front foot.

Following a discussion, Councilman Mulvaney moved that the Corporation Counsel prepare a resolution authorizing this property to be sold at public sale following advertisement according to law, which motion was seconded by Councilman Morgan, and unanimously adopted.

Ordinance #488, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, AS AMENDED, TO ZONE THOSE PORTIONS OF LOT 42, SHEET 25, WARD 8, AND LOT 32, SHEET 34, WARD 8, LYING BETWEEN THE BOUNDARY OF THE EXISTING ROADSIDE BUSINESS AREA DISTRICT AND A LINE PARALLELING BEAUCATCHER ROAD AND LYING 100 FEET EAST THEREOF AS ROADSIDE BUSINESS", was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted 'aye"

Councilman Algary repeated his objections to having parking in the shopping center close to Tunnel Road.

Councilman McRary introduced a resolution appointing member to the Metropolitan Sewerage District Board, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 303.

Councilman Sumner introduced a resolution abandoning twenty foot right-of-way for Bee Tree water line described in Deed Book 244 at page 168, and Deed Book 234 at page 409, of the Buncombe County Registry, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 304.

The City Manager advised that application had been made to erect a sign near the Expressway by the Lamar Outdoor Advertising Company, and that under city ordinance Council approval is necessary for erection of signs within 300 feet of the Expressway right-of-way.

Councilman Sumner moved that this application be disapproved, which motion was seconded by Councilman Morris, and unanimously adopted.

Miss Raymonda Stepp of 24 Crockett Avenue, a student at A. C. Reynolds High School, heading a self-appointed committee of Reynolds High School students, and accompanied by two students from Lee Edwards High School, presented a petition requesting city assistance in securing a teenage recreation center in downtown Asheville.

The City Manager pointed out that the City Parks and Recreation Department now operates five community teenage centers, and will shortly construct two new ones in Oakley and Haw Creek-Beverly Hills, respectively, and stated that the city favors the community approach in recreation.

The matter was discussed by members of the Council, Councilman McRary stating that a center of this kind would cost a large amount of money and he did not think the city could undertake a county-wide project of this kind, and Councilman Algary suggesting that the existing centers might be put on a five-day week. The City Manager stated the five-day week could be done if demand developed.

The City Manager further stated that if private enterprise became interested in a downtown center project, the city through its several departments would assist.

The Council requested the City Manager to investigate this matter, consulting with the Buncombe County Planning Council, the Ministerial Association, the school superintendents, and the city departments, and to report back to the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 23, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 23, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, T. B. Sumner, W. F. Algary, C. E. Morgan, and D. D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

An offer was received from Ged Roberson, Jr. and Jack Roberson to purchase approximately eight acres of land at the Airport, lying east of Interstate 26 with a frontage of approximately 200 feet along Buck Shoals Road, for $2,000.00 an acre.

The Council discussed this offer, and deemed the price insufficient.

A letter was received from Jack Barfield, Agent for Mrs. Bertha Shook Rymer, requesting the rezoning of Lots 152, 153, 154 and a part of 155, Sheet 13, Ward 8, City Tax Maps.

A letter was received from W. P. Croom requesting the rezoning of Lots 199, 199½, 196½, and 200, Sheet 13, Ward 8.

The above requests were referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 488, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, AS AMENDED, TO ZONE THOSE PORTIONS OF LOT 42, SHEET 25, WARD 8, AND LOT 32, SHEET 34, WARD 8, LYING BETWEEN THE BOUNDARY OF THE EXISTING ROADSIDE BUSINESS AREA DISTRICT AND A LINE PARALLELING BEAUCATCHER ROAD AND LYING 100 FEET EAST THEREOF AS ROADSIDE BUSINESS", was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"	Councilman Sumner voted "yea"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Morris voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 488

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, AS AMENDED, TO ZONE THOSE PORTIONS OF LOT 42, SHEET 25, WARD 8, AND LOT 32, SHEET 34, WARD 8, LYING BETWEEN THE BOUNDARY OF THE EXISTING ROADSIDE BUSINESS AREA DISTRICT AND A LINE PARALLELING BEAUCATCHER ROAD AND LYING 100 FEET EAST THEREOF AS ROADSIDE BUSINESS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

(1) That the following described property be rezoned from RA-5 Residential District to ROADSIDE BUSINESS AREA:

Those portions of Lot 42, Sheet 25, Ward 8, and Lot 32, Sheet 34, Ward 8, lying between the boundary of the existing Roadside Business Area district and a line paralleling Beaucatcher Road and lying 100' east thereof.

That in addition to the provisions and restrictions contained in Ordinance #322, as amended, the Roadside Business Area the following provisions and restrictions are hereby imposed under Section 6A, paragraph

(1) The area to be rezoned not extend beyond a line parallel to Beaucatcher Road and lying 100 feet to the east thereof;

(2) That the developers provide a grading plan conforming to the requirements of the Grading Ordinance of the City of Asheville, which plan shall become part of the site plan; and

(3) That the developers include as part of the grading plan provisions for stabilizing the deep cut in the rear of the property in the vicinity of Beaucatcher Road, with grass, landscaping, etc. The stabilization of this 60 foot cut should be performed in a manner meeting the specifications of the State Highway Commission on similar highway cuts to prevent unsightly appearance and excessive erosion.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 9 day of January, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: Ralph Morris
COUNCILMAN

Read, approved and adopted, this 23 day of January, 1964, to become effective 7 day of February, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

The City Manager presented the audit report of the City of Asheville Board of Alcoholic Control for the period ending December 31, 1963.

The City Manager distributed to members of the Council a pamphlet of News of the Asheville Public Libraries, commemorating 85 years of library service.

Mr. William D. Britt, County Commissioner of Public Utilities, appeared before the Council and advised that homes at higher elevations in the Riceville Road section are frequently out of water because the only service is by a two-inch line. Mr. Britt suggested that if the city could lay six-inch mains for a distance up Grassy Branch Road and along Riceville Road from the Swannanoa end, pressure would be strong enough to reach the homes in this section.

The City Manager advised that this seemed a reasonable request, and stated he believed it could be worked out.

Councilman Sumner moved that the City Manager be authorized to proceed in this matter, which motion was seconded by Councilman Morris, and unanimously adopted.

Councilman Sumner stated that he had received several complaints that taxi rides under the new metered system are costing more than under the old system of charges by zones.

The City Manager advised that a few cabs are trying out the meters in advance of the February 1st deadline to see how the charges compare with the old system, and it appears in some cases the new charges are higher than the old ones, and in other cases lower.

The Council requested the City Manager to check into the matter and bring back a report on whether the metered fare schedule needs adjusting.

The Mayor advised that recertification of the workable program of the city by the U. S. Housing and Home Finance Agency is currently being held up, and certain matters must be cleared before the recertification can be justified, one of which is greater citizen participation in the program.

The Mayor announced that Mr. Algary had accepted the appointment as Chairman of the Citizens Advisory Committee, and that other members of the committee are: Coleman Zageir, Hammond G. Strom, Walter Deal, J. Alfred Miller, George Cecil, W. T. Duckworth, Jr., Curtiss Doland, Joseph E. Belton, Mrs. Rita Lee, Doug Reed, Morton Cohn, and Mrs. C. G. Pickard.

Mr. Algary stated he had conferred with HHFA officials in the Atlanta Regional Office, and believed recertification of the workable program could be achieved in the near future. Mr. Algary announced that the committee will hold its first meeting next Monday at 4 p. m. in the Council Chamber, and invited members of the Council to attend. Mr. Algary further announced the committee will hold a meeting on February 16th with Mr. Lucius Williams, HHFA field representative as speaker, and that on or about April 21st the committee will make a tour inspecting substandard housing, and invited members of the Council to attend both meetings.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, January 30, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, January 30, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, F. M. Mulvaney, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved, and Councilman Algary advised that the meeting of the Citizens Advisory Committee had been set for April 6th.

The City Manager advised that due to technical requirements it appears that the taxicab meters cannot go into force on February 1st, and it has been requested that this time limit be extended until March 1st.

The City Manager further advised that an investigation had been made of rates charged in Charlotte, Winston-Salem, Greensboro and Raleigh, that it appeared that the proposed rates were a little out of line, and suggested that the rates be set on the basis of 45¢ for the first half mile, and 10¢ for each one-third of a mile thereafter, making a total of 75¢ for the first mile and a half. If this rate is to be established, it will require an amendment to the ordinance.

Mr. John C. Cheesborough, president of the Blue Bird Taxi Company, stated that the cab companies couldn't live with this proposal, and asked the Council not to change the rates until they had been tried for six months. Mr. J. R. Lewis, president of the American Cab Company, also objected to the proposal. Mr. Cheesborough then stated he thought the taxi companies could do better on the rate of 45¢ for the first mile and 10¢ for each additional quarter mile.

Following the discussion, Councilman Sumner moved that the time for the meters to go into effect be extended until March 1st, and in the meantime the City Manager confer with the cab companies to see what can be worked out, which motion was seconded by Councilman Morgan and adopted.

The City Manager recalled the request for a downtown teenage center, and again pointed out that the city is now operating several teenage centers, plans two more, and plans to expand the use of these facilities as demand develops.

The City Manager recommended that the city continue on the community basis, and cooperate in any way possible with private enterprise in developing a downtown teenage center, but not participate other than supervision of the operation.

The City Manager advised of a meeting with Weather Bureau officials in regard to transferring the Weather Bureau facilities to the administration building at the Asheville Airport, in order to provide 24 hour weather service for western North Carolina, and that a tentative agreement had been reached for the city to build a $30,000 second story on the north wing and lease the 2,000 square feet of new office space to the Weather Bureau with a rental of $3,000 per year and an additional $1,200 for utilities and janitor service. The City Manager further advised that this can be done with no increase in the budget, since a non-recurring item in the present budget allocated to the airport can be applied to the building cost. The City Manager requested approval of the Council for this plan.

Following a discussion, Councilman Mulvaney moved that the City Manager be instructed to proceed in accordance with this recommendation, which motion was seconded by Councilman McRary, and unanimously adopted.

Councilman Mulvaney introduced a resolution authorizing Mayor to request the Housing and Home Finance Agency to recertify the City's Workable Program for Community Improvement under the Federal Housing Act of 1954, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 305.

Councilman Morris introduced a resolution authorizing and directing Mayor and City Clerk to execute lease with Humble Oil and Refining Company for certain property near the Asheville Airport, which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 306.
Copy of lease will be found attached to original resolution.

Councilman McRary introduced a resolution authorizing City Manager to advertise for public sale certain property on Riverside Drive, which was, upon motion of Councilman McRary, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 307.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 6, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, February 6, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, J. W. McRary, C. E. Morgan, F. M. Mulvaney, W. F. Algary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A communication was received from R. L. Bailey requesting the rezoning of Lots 132, 133, 134, 135 and [illegible], Sheet 20, Ward 8.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission recommending the approval of plat entitled "Property of T. S. Henderson".

February 6, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Property of T. S. Henderson" prepared by Carter and Bearden, Engineers, and dated January 31, 1964, shows the subdivision of real estate off Liberty Road.

The preliminary plat was reviewed by the Asheville Planning and Zoning Commission at its regular meeting on Wednesday, February 5, 1964, and it is recommended that it be given your final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that the request for the rezoning of Lots 152, 153, 154 and a part of Lot 155, Sheet 13, Ward 8, be denied at this time.

February 5, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission at its regular meeting held Wednesday, February 5, 1964, took the following action on the request of Jack Barfield (for Mrs. Bertha Shook Rymer) that Lots 152, 153, 154, and a part of Lot 155, Sheet 13, Ward 8, be rezoned from RA-6 Residential District to Roadside Business Area:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied at this time because certain uses permitted in the Roadside Business Area could be obnoxious and detrimental to the adjoining residential property located on Arco Road; however, the planning board recognizes that the property will have to be used for other than residential purposes in the near future. The Board is now working on necessary revisions to the Zoning Ordinance which will provide a non-residential zoning district, permitting uses compatible to adjacent residences.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that the request for the rezoning of Lots 199, 199-1/4, 196-1/4, and 200, Sheet 13, Ward 8, be denied at this time.

February 5, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The Asheville Planning and Zoning Commission at its regular meeting held Wednesday, February 5, 1964, took the following action on the request of W. P. Croom that Lots 199, 199-1/4, 196-1/4, and 200, Sheet 13, Ward 8, be rezoned from RA-6 Residential District to Roadside Business Area:

It was moved, seconded, and unanimously passed that the Commission recommend that the request be denied at this time because certain uses permitted in the Roadside Business Area could be obnoxious and detrimental to the adjoining residential property located on Arco Road; however, the planning board recognizes that the property in question will have to be used for other than residential purposes in the near future. The board is now working on necessary revisions to the Zoning Ordinance which will provide a non-residential zoning district, permitting uses compatible to adjacent residences.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary.

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that the request to rezone part of Lot 22, Sheet 31, Haw Creek Ward, be denied at this time.

February 6, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The Asheville Planning and Zoning Commission at its regular meeting held Wednesday, February 5, 1964, took the following action on the request of Scott Dillingham that part of Lot 22, Sheet 31, Haw Creek Ward, be rezoned from RA-6 Residential District to Roadside Business Area:

It was moved, seconded, and unanimously passed that the Commission recommend that the property remain as it is now zoned, but that the record show that the Commission recognizes that this is not residential property and that it hopes in the near future, based on the comprehensive plan, to have a way of solving the problem.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

The above recommendations were accepted as information by the Council.

Mr. James M. Coleman, Chairman of the Planning and Zoning Commission, was present and informed the Council that a new zoning category more compatible to adjacent residential areas than roadside business is being prepared for incorporation in the zoning ordinance, and it is expected that this will be completed within the next thirty to sixty days.

The City Manager announced that today is the date set for the public hearing on the proposed zoning of the newly annexed Mountainbrook subdivision in Chunn's Cove, the recently annexed area in the Shiloh section, and changing from residential to roadside business the zoning of property on Tunnel Road owned by J. C. Crenshaw and others.

There being no objection, Councilman Morgan introduced Ordinance No. 489, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED", which was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that today is also the date set for the public hearing on request to rezone certain property of Mr. and Mrs. J. C. Harrison fronting on Mace Avenue and backing on Patton Avenue.

Mr. Francis J. Heazel, attorney for Mr. and Mrs. Harrison, wrote that he wished to withdraw this petition and revise it to include other properties between Mace and Patton.

Members of a delegation opposing the change protested the delay and the numerous hearings in the matter, but were advised there is no legal way to prevent either the withdrawal of the petition or its resubmission.

Mr. Coleman advised the delegation that their protest was on record, and that insofar as the Planning and Zoning Commission was concerned, any one member of the group could represent the remainder in any further hearings before the Planning and Zoning Commission.

The City Manager advised that an amendment had been prepared to the Taxicab Ordinance, revising the rate schedule to provide a charge of 45¢ for the first mile or fraction thereof, which is identical to the schedule in effect in Raleigh, and is acceptable to the taxicab companies.

There was a discussion concerning waiting time, and Mr. Fuller H. Chapman, owner of the Asheville Cab Company, told the Council that none of the cab companies make a practice of charging for reasonable waiting time in answering a call, and that there will be no metered charges for waiting in traffic.

Following the discussion, Councilman Algary introduced Ordinance No. 490, being "AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING 'AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE', RELATING TO RATES OF FARES", which was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "aye"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager presented the statement showing the budget position of the city for the period ending January 31, 1964.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, February 13, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, February 13, 1964 - 4:00 o'clock P. M., with Mayor E. W. Eller presiding. Present: Councilmen J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, W. F. Algary, Ralph Morris, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A request was received from Louise R. Mosley, owner of lots 139 and 140 as shown on plat recorded in plat book 7 page 64, that an alley or roadway shown on said plat between lots 139 and 140 be relocated.

The City Manager advised that this was an unopened alley, and the procedure would be to prepare a resolution authorizing advertisement of a public hearing on the closing of this alley.

The Council directed that the Corporation Counsel prepare such a resolution for consideration at its next meeting.

A letter was received from Eugene Haynes and Elizabeth Hensley requesting that Lots 4 and 131, Sheet 17, Ward 8 be rezoned from residential district to business district.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from R. L. Bailey requesting that Lots 131, 132, 133, 134, 135, 137, Ward 8, Sheet 20, be rezoned Industrial rather than Commercial as previously requested.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Planning and Zoning Commission concerning its resolution in regard to plat of "Pershing Heights" and waiver of part of right-of-way.

February 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Pershing Heights" prepared by Tidewater Associa Realty Company and dated "Revised September 18, 1963", shows the subdivision of real N. Pershing Road in Haw Creek.

The above described plat was reviewed at a regular meeting of the Commission 1964. The Planning Board took no action on this matter, but passed the following Reso mation to the City Council:

"The Planning and Zoning Commission does not go on record as positively rec to City Council that it waive the requirements of a 50' street right-of-way in co with this development for the reason that there is involved in the Petition the w as much as 18' of street right-of-way. The Planning and Zoning Commission feels should not establish a precedent with respect to the waiver of such a substantial of the right-of-way required under the Subdivision Regulation Ordinance of the Cit Asheville.

'However, the Planning and Zoning Commission is cognizant of the fact that Council in any specific case determines that a hardship to the developer is involv tablishing the full street right-of-way required under the Subdivision Ordinance, the right to waive the strict requirements and permit the establishment of a right having a width less than that required by the Ordinance."

The above described subdivision plat meets all requirements for preliminary division Ordinance with the exception of the inadequate street right-of-way on Pershing Roa into the subdivision.

Sincerely yours,

s/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

The matter was discussed by members of the Council, Councilman McRary suggesting an agreement with the developer that he would buy the right-of-way if offered at a reasonable price. The City Manager state the city would accept the additional right-of-way at any time it was available.

Following the discussion, Councilman Sumner moved that in view of the fact that a hardship to the developer is involved in establishing the full street right-of-way as required under the Subdivision Ordinance that this requirement be waived to permit establishment of a right-of-way having a width of 32 feet, that the proposed plat be approved, which motion was seconded by Councilman Morris, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of plat entitled "Kimberly Woods, Section 4".

February 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Kimberly Woods, Section 4" prepared by Carter and Bearden, Engineers, for Elmer and Robert Carter and Fred Lawter and dated January 16, 1964, shows the subdivision of real estate off Beaverdam Road.

The above described plat was reviewed at a regular meeting of the Commission on February 5, 1964, and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director

RDB:nr
Encl:

Councilman Morris moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman McRary, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Partridge Park".

February 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Partridge Park" prepared by Ray E. Anders, Registered Land Surveyor, for J. Hilliard Ward and dated January 9, 1964, shows the subdivision of real estate adjoining to and south of Echo Hills Subdivision.

The above described plat was reviewed at a regular meeting of the Commission on February 5, 1964 and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

Councilman Algary moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Ordinance No. 489, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE [illegible], KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 490, being "AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING 'AN ORDINANCE RECULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE', RELATING TO RATES OF FARES", was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that following the adoption of the License and Privilege Tax Ordinance last year it was felt that this entire ordinance should be reviewed, and that the Tax Department has worked up a proposed ordinance which would increase the average tax by about one-third, change the effective date to July 1st to conform to the city fiscal year, and increase the delinquent tax penalty from 2% to 5% to assist in collections. The City Manager further advised that this would bring the ordinance in line with similar ordinances in other major North Carolina cities.

The matter was discussed by the Council, Mayor Eller objecting to the 5% penalty. City Tax Collector Payne Bradley explained that the penalty only runs until October 1st, at which time delinquent accounts are turned over to Police Court.

Councilman Algary discussed the matter of drive-in restaurants, and was advised that all types of restaurants come under Schedule B in the state revenue statute, and the city is not allowed to charge more than half of the state tax.

The City Manager suggested that the City seek the assistance of the North Carolina League of Municipalities in securing relief in this connection, and the Council directed that he so proceed.

The proposed ordinance was filed with the City Clerk for public inspection.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 20, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, February 20, 1964 at 4:00 o'clock P. M., with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Don C. Young, attorney for Mrs. Bertha Shook Rhymer, in regard to rezoning her property on Tunnel Road at Arco Road.

The City Manager pointed out that the Planning and Zoning Commission has recommended that the zoning of this property be left unchanged until a new zoning category appropriate for business areas adjoining residential areas can be incorporated in the zoning ordinance.

This additional request was referred to the Planning and Zoning Commission for its information.

Gentlemen:

The attached plat entitled "Pershing Heights" prepared by Tidewater Associates for Dent Realty Company and dated "Revised September 18, 1963", shows the subdivision of real estate off N. Pershing Road in Haw Creek.

The above described plat was reviewed at a regular meeting of the Commission on February 5, 1964. The Planning Board took no action on this matter, but passed the following Resolution as information to the City Council:

"The Planning and Zoning Commission does not go on record as positively recommending to City Council that it waive the requirements of a 50' street right-of-way in connection with this development for the reason that there is involved in the Petition the waiver of as much as 18' of street right-of-way. The Planning and Zoning Commission feels that it should not establish a precedent with respect to the waiver of such a substantial amount of the right-of-way required under the Subdivision Regulation Ordinance of the City of Asheville.

"However, the Planning and Zoning Commission is cognizant of the fact that if City Council in any specific case determines that a hardship to the developer is involved in establishing the full street right-of-way required under the Subdivision Ordinance, Council has the right to waive the strict requirements and permit the establishment of a right-of-way having a width less than that required by the Ordinance."

The above described subdivision plat meets all requirements for preliminary approval of the Subdivision Ordinance with the exception of the inadequate street right-of-way on Pershing Road at its entrance into the subdivision.

Sincerely yours,

s/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

The matter was discussed by members of the Council, Councilman McRary suggesting an agreement with the developer that he would buy the right-of-way if offered at a reasonable price. The City Manager stated the city would accept the additional right-of-way at any time it was available.

Following the discussion, Councilman Sumner moved that in view of the fact that a hardship to the developer is involved in establishing the full street right-of-way as required under the Subdivision Ordinance that this requirement be waived to permit establishment of a right-of-way having a width of 32 feet, and that the proposed plat be approved, which motion was seconded by Councilman Morris, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of plat entitled "Kimberly Woods, Section 4".

February 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Kimberly Woods, Section 4" prepared by Carter and Bearden, Engineers, for Elmer and Robert Carter and Fred Lawter and dated January 16, 1964, shows the subdivision of real estate off Beaverdam Road.

The above described plat was reviewed at a regular meeting of the Commission on February 5, 1964, and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director

RDB:nr
Encl:

Councilman Morris moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman McRary, and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Partridge Park".

February 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Partridge Park" prepared by Ray E. Anders, Registered Land Surveyor, for J. Hilliard Ward and dated January 9, 1964, shows the subdivision of real estate adjoining to and south of Echo Hills Subdivision.

The above described plat was reviewed at a regular meeting of the Commission on February 5, 1964 and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Councilman Algary moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Mulvaney, and unanimously adopted.

Ordinance No. 489, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE 1722, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 490, being "AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING 'AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE', RELATING TO RATES OF FARES", was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that following the adoption of the License and Privilege Tax Ordinance last year it was felt that this entire ordinance should be reviewed, and that the Tax Department has worked up a proposed ordinance which would increase the average tax by about one-third, change the effective date to July 1st to conform to the city fiscal year, and increase the delinquent tax penalty from 2% to 5% to assist in collections. The City Manager further advised that this would bring the ordinance in line with similar ordinances in other major North Carolina cities.

The matter was discussed by the Council, Mayor Eller objecting to the 5% penalty. City Tax Collector Payne Bradley explained that the penalty only runs until October 1st, at which time delinquent accounts are turned over to Police Court.

Councilman Algary discussed the matter of drive-in restaurants, and was advised that all types of restaurants come under Schedule B in the state revenue statute, and the city is not allowed to charge more than half of the state tax.

The City Manager suggested that the City seek the assistance of the North Carolina League of Municipalities in securing relief in this connection, and the Council directed that he so proceed.

The proposed ordinance was filed with the City Clerk for public inspection.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 20, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, February 20, 1964 at 4:00 o'clock P. M., with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Don C. Young, attorney for Mrs. Bertha Shook Rhymer, in regard to rezoning her property on Tunnel Road at Arco Road.

The City Manager pointed out that the Planning and Zoning Commission has recommended that the zoning of this property be left unchanged until a new zoning category appropriate for business areas adjoining residential areas can be incorporated in the zoning ordinance.

This additional request was referred to the Planning and Zoning Commission for its information.

A letter was received from Mr. Clyne H. Quinn requesting that his property on the left side of the road at the entrance to the Recreation Park be rezoned from RA-6 Residential District to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from the Unity Center of Asheville requesting that Lots 66, 221 and 209, Sheet 18, Ward 4, be rezoned from RA-6 Residential District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by a number of residents on Brooklyn Road between Shiloh Road and West Chapel Road and Shiloh Road Extension was received requesting annexation to the City of Asheville.

The City Manager advised that the procedure would be to prepare a resolution setting a date for a public hearing on the request.

Following a discussion Councilman Morgan moved that such a resolution be prepared, which motion was seconded by Councilman Algary and unanimously adopted.

Ordinance No. 489, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Morgan, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 489

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

1. That the following described property be zoned RA-6 RESIDENTIAL DISTRICT:

BEGINNING at a City Marker at the extreme Southwest corner of that certain tract of land conveyed to Lucy Carl Reil by Hugh A. Penley and wife Irene Miller Penley, by deed duly recorded in the office of the Register of Deeds for Buncombe County, N. C., in deed book 854 page 46, and runs thence North 84 deg. 55' East 1091.3 feet to a stake; thence North 2 deg. 30' East 1166 feet to a stake; thence due East 300 feet to a stake; thence due North 615 feet more or less to a stake in the Southern line of the Naish property; thence with the Southern line of said property North 69 deg. 30' West 1130 feet to a Spanish Oak, the Southwest corner of said Naish property; thence South 30 deg. 39' West 22[illegible] feet to a stake; thence South 5 deg. 29' West with the City limits line of the City of Asheville, 1330 feet to the point of BEGINNING.

2. That the following described property be zoned RA-5 RESIDENTIAL DISTRICT:

Located in Ward 7, Sheet 18, Buncombe County, North Carolina, and described as follows:

BEGINNING at a concrete marker (Corner No. 18) in the 1929 City Limits line of the City of Asheville, said marker being in Lot 221, Ward 7, Sheet 18 of Buncombe County Tax Map, 50 feet South of centerline of West Chapel Road and runs thence with existing City Limits line North 0 deg. 14' East 746.28 feet to a hub in the North property line of Lot 210-3/4, 38.93 feet West of an iron pin at the common property corner of Lots 210-3/4 and 555; thence leaving present City Limits line and running through said iron pin South 86 deg. 40' East 518.93 feet along the edge of property shown on plat entitled "Property of Lucious W. Williams" and recorded in office of the Register of Deeds of Buncombe County, N. C. in Plat Book 23 at page 24 to an iron pin at the Northeast corner of said plat; thence South 3 deg. 20' West 827.40 feet along the east edge of said plat to a hub located 30 feet South of centerline of existing West Chapel Road; thence running the following bearings and distances parallel to, and 30 feet South of centerline of existing West Chapel Road: North 81 deg. 14' West 166.80 feet; North 73 deg. 00' West 104.70 feet; and North 70 deg. 40' West 136.10 feet; thence 84 deg. 33' West 80.60 feet to the point of BEGINNING. Containing 8.99 acres.

3. That the following described property be rezoned from Residential District to ROADSIDE BUSINESS AREA:

Lots 52 and 53, Ward 8, Sheet 33; Lots 34 and 34-1/2, Ward 8, Sheet 21; and Lot 34-1/4, Ward 8, Sheet 21.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes as hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 6 day of February, 1964.

C. E. Morgan
COUNCILMAN

SECONDED BY: Frank Mulvaney
COUNCILMAN

Read, approved and adopted, this 20 day of February, 1964, to become effective 6 day of March, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 490, being "AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING 'AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE', RELATING TO RATES OF FARES", was, upon motion of Councilman Algary, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Mayor Eller voted "aye"

ORDINANCE NO. 490

AN ORDINANCE AMENDING ORDINANCE NO. 485, BEING "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE", RELATING TO RATES OF FARES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Sub-section (a) of Section 4. Rates of Fares. of Ordinance No. 485, being "AN ORDINANCE REGULATING AND CONTROLLING OPERATORS AND OPERATION OF TAXICABS IN THE CITY OF ASHEVILLE", be and the same is hereby repealed, and the following sub-section be and is hereby enacted in lieu thereof:

(a) For the first mile or fraction thereof - - - - - - - - - - - 45¢

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect and be in effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 6 day of February, 1964.

W. F. Algary
COUNCILMAN

SECONDED BY: T. B. Sumner
COUNCILMAN

Read, approved and adopted, this 20 day of February, 1964, to become effective 6 day of March, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Councilman Morgan introduced a resolution providing for a public hearing on a petition of Louise R. Mosley (formerly Louise Neely) to close a public alley running across Lots 139 and 140 as shown on Plat Book 7 page 64 in the Buncombe County Registry, which was, upon motion of Councilman Morgan, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 308.

The City Manager advised that the State Highway Commission has requested that the city enact an ordinance establishing speed limits on state highway routes within the city to conform with state traffic regulations.

The Council discussed this matter, Councilman Algary suggesting that all speed limits on city streets should be revised to conform to the state standards.

The City Manager stated he would make a study of this and make recommendations to the Council.

Following the discussion, Councilman Morris introduced Ordinance No. 491, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753, SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS", which was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "yea"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Morris voted "aye"	Mayor Eller voted "aye"

Councilman Morgan moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morris and unanimously adopted.

Ordinance No. 491, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS", was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "yea"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Morris voted "aye"	Mayor Eller voted "aye"

Ordinance No. 491, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS", was, upon motion of Councilman Morris, seconded by Councilman McRary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"	Councilman Sumner voted "yea"
Councilman Algary voted "aye"	Councilman Morgan voted "aye"
Councilman Morris voted "aye"	Mayor Eller voted "aye"

ORDINANCE NO. 491

AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS

THAT WHEREAS, Section 753. Speed Regulations of Ordinance 298, being the Code of the City of Asheville, provided for vehicular speed limits on the streets of the city of Asheville; and

WHEREAS, Chapter 949 of the 1963 Session Laws enacted GS 20-141 by adding thereto new sub-sections designated (g1) and (g2) allowing local authorities to change the speed limits within the city limits after investigation of the engineering and traffic conditions relating thereto; and

WHEREAS, the engineering and traffic investigations required in said new sub-sections have indicated immediate need for changes as set forth hereinafter to expedite and facilitate the movement of vehicular traffic on the affected streets, and thereby preserve the safety of persons and property:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 753. Speed Regulations of Ordinance 298, being the Code of the City of Asheville, be and the same is hereby amended by adding to sub-section (b) the following:

"Said speed limit of twenty miles an hour shall also control portions of State Highway System Streets as follows:

1. Haywood Rd. (US 19 Bus.-23 Bus.) from Oakwood St. to Brevard Rd. (NC 191), thence along Haywood Rd. (US 19 Bus.-23 Bus.- NC 191) to N. Hanover St. (US 19 Bus.-23 Bus.-NC 191), thence along Haywood Rd. (SR 3548) to Westwood Pl.

2. Biltmore Ave. from Bryson St. to Swannanoa Rd. (NC 81), thence along Biltmore Ave. (NC 81) to Hendersonville Rd. (US 25).

3. Brook St. (US 25A) from Kitchen Pl. to US 25.

4. Southside Ave. (US 25) from Coxe Ave. to Biltmore Ave. (US 25).

5. Broadway St. (US 19W-23W-25) from Woodfin St. (US 19E-23E) to Patton Ave. (US 19-23), thence along Biltmore Ave. (US 25) to Aston St.

6. Patton Ave. (US 19-23) from Otis St. to Biltmore Ave. (US 25), thence along Patton Ave. (US 19E-23E) to Spruce St., thence along Spruce St. (US 19E-23E) to Woodfin St., thence along Woodfin St. (US 19E-23E) to Broadway St. (US 19-23-25).

Section 2. That Section 753. Speed Regulations of Ordinance 298, being the Code of the City of Asheville, be and the same is hereby amended by adding to said section a new sub-section (e) as follows:

(e) Thirty-five miles per hour on portions of State Highway System Streets as follows:

1. Biltmore Ave. (US 25) from Aston St. to Southside Ave. (US 25).

2. Southside Ave. (US 25) from Coxe Ave. to McDowell St., thence along McDowell St. (US 25) to US 25, thence along US 25 to Hendersonville Rd., thence along Hendersonville Rd. (US 25) to the southern corporate limit at W. Chapel Rd.

3. Bryson St. from Biltmore Ave. to Swannanoa Rd. (NC 81).

4. Swannanoa Rd. (NC 81) from Bryson St. to Biltmore Ave. (NC 81).

5. Brook St. (US 25A) from Kitchen Pl. to London Rd.

6. Patton Ave. (US 19-23) from Riverside Dr. (NC 191) to Otis St.

7. Haywood Rd. (SR 3548) from Westwood Pl. to W. Asheville Bridge, thence along W. Asheville Bridge (SR 3548) to Eugene Ave., thence along Eugene Ave. (SR 3548) to Clingman St., thence along Clingman St. (SR 3548) to Patton Ave. (US 19-23).

8. Haywood Rd. (US 19 Bus.-23 Bus.) from Patton Ave. (US 19 Bypass-23 Bypass) to Oakwood St.

9. Brevard Rd. (NC 191) from the southern corporate limit (Hominy Cr.) to Haywood Rd. (US 19 Bus.-23 Bus.).

10. Old Haywood Rd. (Sr 1404) from the western corporate limit to Haywood St. (now Patton Ave.) (US 19-23).

11. Haywood St. (now Patton Ave.) (US 19-23) from the western corporate limit to Patton Ave. (US 19-23).

12. Deaverview Dr. (SR 1263) from the western corporate limit to Haywood St. (Now Patton Ave. (US 19-23).

13. Johnson Blvd. (SR 1319) from the western corporate limit to Haywood St. (now Patton Ave.) (US 19-23).

14. Merrimon Ave. (Broadway) (US 19-23-25) from Woodfin St. (US 19E-23E) to the Asheville Expressway (US 70), thence along Merrimon Ave. (US 19-23-25-70) to the northern corporate limit.

15. Burnsville Hill Rd. (Sr 1674) from Merrimon Ave. (US 19-23-25-70) southward to the corporate limit.

16. Beaverdam Rd. (NC 694) from Merrimon Ave. (US 19-23-25-70) to Elk Mt. Scenic Hwy. (NC 694), thence along Beaverdam Rd. (SR 2053) to the corporate limit.

17. Elk Mtn. Scenic Hwy (NC 694) from Beaverdam Rd. (NC 694) to the corporate limit.

18. Woodfin St. (NC 694) from Spruce St. (US 19E-23E) to the Asheville Expressway (US 70).

19. Town Mt. Rd. (NC 694) from the Asheville Expressway (US 70) northward to the corporate limit.

20. US 70 from the west end of Beaucatcher Tunnel eastward to Old Hawcreek Rd.

Section 3. That Section 753. Speed Regulations of Ordinance 298, being the Code of the City of Asheville, be and the same is hereby amended by adding to said section a new sub-section (f) as follows:

(f) Forty-five miles per hour on portions of State Highway System Streets as follows:

1. Swannanoa River Rd. (NC 81) from Bryson St. to US 74.

2. US 74 from US 70 to Swannanoa River Rd., thence along Swannanoa River Rd. (US 74-NC 81) to the eastern corporate limit.

3. US 70 from Old Hawcreek Rd. eastward to the corporate limit.

4. Sweeten Creek Rd. (US 25A) from London Rd. southward to the corporate limit.

5. N. Hanover St. (US 19 Bus.-23 Bus.-NC 191) from Haywood Rd. (US 19 Bus.-23 Bus.-NC 191) to Patton Ave. (US 19 Byp. -23 Byp.).

6. Asheville-Leicester Hwy. (NC 63) from Patton Ave. (US 19 Byp.- 23 Byp.) westward to the corporate limit.

7. Patton Ave. (US 19 Byp.-23 Byp.) from Haywood Rd. (US Bus.- 23 Bus.) to N. Hanover St. (US 19 Bus.-23 Bus.-NC 191), thence along Patton Ave. (US 19-23-NC 191) to Riverside Dr. (NC 191).

(8) Riverside Dr. (NC 191) from the Asheville Expressway northward to the corporate limit.

Section 4. This ordinance shall become effective upon adoption by the State Highway Commission of a concurring ordinance, and the erection of signs giving notice of the authorized speed limit.

I move the adoption of the foregoing ordinance, this 20 day of February, 1964.

Ralph D. Morris
COUNCILMAN

SECONDED BY:

J. W. McRary
COUNCILMAN

Read, approved and adopted, this 20 day of February, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Miss Fannie McCoy appeared before the Council to complain that the water bills for her apartment building at 117 S. French Broad are too high.

Miss McCoy further stated that the actions of the Metropolitan Sewerage District are illegal.

Mr. W. W. Orr, attorney representing W I S E - T V, Inc., filed with the Council an application for an exclusive franchise contract to use the city's thoroughfares for a cable television installation within the city limits of Asheville, for the benefit of the general public, convenience and necessity.

Mr. Harold H. Toms, President of W I S E - T V, Inc., explained the merits and technical aspects of the application.

Mayor Eller advised that under the Charter of the City of Asheville applications for franchises must be submitted to a vote of the people, and that the Council would like time to study the proposal, and would take the request under advisement.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, February 27, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, February 27, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, J. W. McRary, T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Charles E. Starnes requesting the rezoning of Lot 9, Sheet 19, Ward [illegible].

This request was referred to the Planning and Zoning Commission for study and recommendation.

A petition signed by a number of property owners was received requesting the rezoning of certain property on Haywood Road.

This request was referred to the Planning and Zoning Commission for study and recommendation.

A letter was received from The Broadcasting Company of the South requesting a date to appear before the City Council to formally present a request for a franchise to build and operate a cable television system in Asheville.

The Council requested the City Clerk to advise said company of the meeting date of the Council and invite them to present their request at any regular meeting.

Councilman Algary explained the provisions of an amended agreement between the City of Asheville and the Redevelopment Commission of the City of Asheville, and introduced a resolution authorizing Mayor and City Clerk to execute on behalf of the City of Asheville a further amendment to the agreement between the City and the Redevelopment Commission of the City of Asheville, North Carolina, relating to Civic Redevelopment Project No. N. C. R-13, which resolution was seconded by Councilman Morris.

The City Manager advised that he has been in touch with the bond attorneys and the Local Government Commission in connection with the bond issue, and the bonds will probably be sold early in April, making funds available to meet the commitments and in event there is an over-run it could be absorbed in operating budget.

Following a discussion, the above resolution was unanimously adopted.

Copy of resolution will be found in Resolution Book #4 at page 309.
Copy of agreement will be found attached to original resolution.

The City Manager presented preliminary plans and sketches for the combined fire station, branch library and community center in the Haw Creek-Beverly Hills area, and advised that the tentative schedule would be to award the contract in June and provide funds for construction in the upcoming fiscal period.

The City Manager further advised that under library aid legislation recently enacted by Congress the city may be eligible for a federal grant of up to $25,000 for construction and equipment of the branch library section of the facility, and that this will be explored before the contract is awarded.

The matter of elevation of the buildings and grading was discussed. Following the discussion the City Manager was authorized to proceed immediately to develop plans and specifications with the architects for the project under the plan to award the contract in June.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 5, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 5, 1964, at 4:00 o'clock P. M., with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, C. E. Morgan, Ralph D. Morris, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from William C. Moore, resigning as a member of the Asheville School Board.

This resignation was accepted with regret by the Council, and the City Clerk was requested to express to Mr. Moore the appreciation of the Council for his services as a member of this Board.

A request was received from Robert L. Vaillancourt that his property located on Leicester Highway, Hazel Ward, being Tax Lots 8½ and 38, Sheet 13, containing approximately ten acres, be annexed to the city.

The City Manager advised that the procedure would be to have a resolution prepared describing the property by metes and bounds, and fixing a date for a public hearing, at which time the Council could consider an ordinance annexing said property.

Councilman Morris moved that this procedure be followed, which motion was seconded by Councilman McRary and unanimously adopted.

Councilman Morris introduced a resolution appointing member of the Redevelopment Commission of the City of Asheville, which was, upon motion of Councilman Morris, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 310.

Councilman Mulvaney introduced a resolution appointing member of Asheville School Board, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 311.

AT DEAT[illegible]

Councilman Sumner introduced a resolution expressing regret at the death of Roy P. Booth, which was, upon motion of Councilman Sumner, and signed by all members of the Council, unanimously adopted.

RESOLUTION EXPRESSING REGRET AT THE DEATH OF ROY P. BOOTH

WHEREAS, Roy P. Booth has, for many years, been an active, effective and extremely popular leader in

the community life of Asheville, and has served in official capacity the residents of this city and this en[illegible] area in many different capacities, and was serving as a member of the Redevelopment Commission of the City of Asheville and the Metropolitan Planning Board at his untimely death; and

WHEREAS, Roy P. Booth was a friend and adviser, both in his personal and professional capacities to members of this Council, and he will be sorely missed by the members of this Council and by the community at large:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That an official expression of regret be made at the untimely death of Roy P. Booth, and that the Council give expression of the sadness and great loss which it joins with all of Western North Carolina.

And that the City Clerk is hereby directed to forward a copy of this resolution to the family of Mr. Booth.

I move the adoption of the foregoing resolution.

Theodore B. Sumner
COUNCILMAN

SECONDED BY:

C. E. Morgan
COUNCILMAN

Ralph D. Morris
COUNCILMAN

Frank Mulvaney
COUNCILMAN

J. W. McRary
COUNCILMAN

W. F. Algary
COUNCILMAN

Read, approved and adopted, this 5th day of March, 1964.

APPROVED AS TO FORM:

E. W. Eller
MAYOR

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 4 at page 312.

The City Manager recalled that the White Transportation Company has filed an application for a rate increase with the State Utilities Commission, and, recognizing that the Council has an interest in this application, a resolution has been prepared stating the position of the Council.

Following a discussion, Councilman McRary introduced a resolution expressing the position of the Asheville City Council regarding the application of the White Transportation Company for a rate increase now pending before the North Carolina Utilities Commission, which was, upon motion of Councilman McRary, seconded by Councilman Morgan, unanimously adopted, and the Council expressed a desire to send a representative to any North Carolina Utilities Commission hearings.

Complete copy of resolution will also be found in Resolution Book 4 at page 313.

The City Manager presented a statement showing the budget position of the city for the period ending February 29, 1964.

Miss Fannie McCoy presented a letter of protest to polio immunizations.

Richard E. Sides and Charles Woody, Jr., residents of North Pershing Road, appeared before the Council and requested an investigation on the right-of-way opening from that street into a real estate development.

They were given information regarding this matter by the City Manager.

Mr. Rudolph Gibbs, representing a group opposing the granting of a franchise for cable television, appeared before the Council and asked the Council postpone action on the franchise request for three to six months, in order to give opponents time to prepare their case.

Mr. W. W. Orr, attorney for WISE TV, agreed to a reasonable time for preparing the presentation but pointed out that the firm is already making technical studies for cable TV installations.

Mayor Eller pointed out that granting a franchise requires a vote of the people, and the City Manager advised that the steps needed for adoption of a franchise election ordinance, which would include advance public notice and three separate readings, would allow plenty of time for preparation of cases.

Mr. Henry Fisher, attorney for Henry Mills and wife, presented a request for rezoning of Lot 273, Ward 6, Sheet 8, from Residential District to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 12, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 12, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, J. W. McRary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible] ATION COMPANY

[illegible] ALLEGED

A letter was received from the State of North Carolina Utilities Commission advising that an order had been entered granting a bus fare increase to White Transportation Company, and further that the Council's complaints of inadequate service could be reopened before the Utilities Commission at any time.

Councilman Sumner stated he thought the White firm should have been required to show good faith of its intention to improve service, and Councilman McRary said it was up to the firm to show that they can do a better job with the fare increase.

[illegible]

The City Manager advised that a sale had been conducted for the property on Riverside Drive on which O. C. Maney had made an offer, and that Mr. Maney bid the property in for the agreed price.

Councilman Sumner then introduced a resolution directing Mayor to execute deed to O. C. Maney, which was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 314.
Copy of deed will be found attached to original resolution.

[illegible] REPORT -
[illegible] ANNUAL [illegible]

The City Manager presented the Annual Report of the Police Department.

[illegible]

The City Manager presented the Annual Report of the Fire Department.

[illegible] MOTION
[illegible] ADOPTED

Councilman Sumner moved to rescind the motion of the City Council regarding the fluoridation of the water supply of the City of Asheville.

Mayor Eller ruled the motion out of order, but the Corporation Counsel advised that a rescinding motion was valid.

There was no second to the motion, and it failed.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, March 19, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 19, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph Morris, F. M. Mulvaney, J. W. McRary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible] AMENDMENT
[illegible] (Lots 129, 130, 131,
[illegible], Sheet 26)

A letter was received from J. Albert Reed requesting the rezoning of Lots 129, 130, 131, 132, 133, Ward 7, Sheet 26 from RA-6 Residential District to Commercial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

[illegible] ORDINANCE - RECOMMENDATION
[illegible] THE PLANNING AND ZONING COMMISSION (Lots 131, 132, 133, 134, 135,
[illegible], Sheet 20, Ward 8)

A letter was received from the Planning and Zoning Commission recommending no change in the zoning

of Lots 131, 132, 133, 134, 135 and 137, Sheet 20, Ward 8.

March 19, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held Wednesday, March 18, 1964, the following action was taken on the request of Mr. R. L. Bailey:

It was moved, seconded, and unanimously passed that Lots 131, 132, 133, 134 and 137, Sheet 20, Ward 8, remain as they are now zoned.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

This was received as information by the Council.

A letter was received from the Unity Center of Asheville withdrawing a previous request to re zone Lots 66, 221, and 204, Sheet 19, Ward 4.

This was received as information by the Council.

The City Manager advised that today is the date set for the public hearing on the requested closing of an alley across the property of Louise R. Mosley on Lakewood Drive, and relocation of said alley.

Charles F. Speers of 108 Lakewood Drive called attention to an inaccuracy in the width of the alley given in the notice of the hearing; and action was deferred on this matter until the next meeting of the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY CLE

Thursday, March 26, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, March 26, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, Ralph D. Morris, J. W. McRary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

The City Manager advised that following the presentation of a petition by Robert L. Vaillanco on March 5th for the annexation of his property on the Leicester Highway a survey had been made and a descr prepared, and that the procedure would be to set a date for a public hearing on this proposed annexation.

Councilman Morris introduced a resolution of notice that the Council will consider extension corporate limits of City of Asheville to include property located on the Leicester Highway, being Lots 38 an 8½, Sheet 13, Hazel Ward, as shown on the Buncombe County Tax Map, which was, upon motion of Councilman Morr seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 315.

The City Manager announced that in line with the city's plans for developing recreation facil at Bee Tree Lake and North Fork Reservoir Mr. Ralph A. Vogenberger had been appointed as Director of Land De ment, and will take up his new duties May 1st after completing thirty years of forestry service with the TV City Manager advised that it may be possible to open Bee Tree for fishing this spring if parking areas and facilities can be completed in time, and that it is believed that the operations will better than break even

Commander Tom F. Mallonee, representing Admiral L. R. Daspit, Commandant of the Sixth Naval trict, and Lt. Commander Robert H. Moore, commanding officer of the Asheville Naval Reserve Training Center presented certificates to City Manager Weldon Weir and Mayor Eller in recognition of the cooperation of the city with the Naval Reserve Training Center operations in Asheville.

There being no further business, the meeting was upon motion adjourned.

MAYOR CITY CL

Thursday, April 2, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 2, 1964, at 4:00 o'clock P. M. with Mayor W. Eller presiding. Present: Councilmen T. B. Sumner, F. M. Mulvaney, Ralph D. Morris, W. F. Algary, J. W. clary, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending that Lot 132, Sheet 17, ard 8 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mr. Clyne Quinn:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 132, Sheet 17, Ward 8, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

A letter was received from the Planning and Zoning Commission recommending that Lots 127 and 128, heet 26, Ward 7, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mrs. Lelia M. Brown:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 127 and 128, Sheet 26, Ward 7, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond
Secretary

A letter was received from the Planning and Zoning Commission recommending that Lots 129, 130, 131, 2 and 133, Sheet 26, Ward 7 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mr. J. Albert Reed:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 129, 130, 131, 132 and 133, Sheet 26, Ward 7, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond,
Anthony Redmond
Secretary

A letter was received from the Planning and Zoning Commission recommending that Lots 4 and 131, Sheet 17, Ward 8, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mr. Eugene Haynes and Mrs. Elizabeth Hensley:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 4 and 131, Sheet 17, Ward 8, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that a portion of Lot 9, Sheet 19, Ward 5, be rezoned from Commercial District to RA-6 Residential District.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mr. Charles E. Starnes:

It was moved, seconded, and unanimously passed that the Commission recommend that the following described property be rezoned from Commercial District to RA-6 Residential District: That area shown on Buncombe County Tax Maps, being Lot 9-1/4, Sheet 19, Ward 5, and that portion of Lot 9 lying to the West of Lot 9- 1/4 and contained within the following boundaries: Beginning at the Southwest corner of Lot 9-1/4 and continuing North 86 degrees 42 minutes West to the right-of-way of the Southern Railroad (extension of Southern boundary of Lot 9-1/4); thence in a Northerly direction along the Eastern right-of-way of the Southern Railroad to the Southern boundary of the Deaverview Road right-of-way; thence Easterly along the same right-of-way to the Northwestern corner of Lot 9-1/4, Sheet 19, Ward 5; thence in a South, Southeasterly direction along the Western boundary of said lot to the point of Beginning.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending that a portion of Hay[illegible] Road lying between Swannanoa Avenue and Michigan Avenue be rezoned from Business District to Commercial Distri[illegible]

April 1, 1964

Honorable Mayor
Members of City Council
CityHall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the Petition of Mr. W. B. Michael and nine (9) other property owners on Haywood Road:

It was moved, seconded and unanimously passed that the Commission recommend that the following described property be rezoned from Business District to Commercial District:

Lots abutting Haywood Road on its north margin and shown on Ward 6, Sheet 6, beginning at the Western margin of the present Commercial District and extending along said North margin of Haywood Road to the Western line of Lot 2, Sheet 6, Ward 6, and also the lots

of record abutting on the Southern margin of Haywood Road shown as Ward 5, Sheet 6, to the approximate depth of 240 feet Southwardly from the said Southern margin of Haywood Road and lying between the Western margin of Swannanoa Avenue and the Eastern margin of Michigan Avenue.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond,
Anthony Redmond
Secretary

The above recommendations were accepted by the Council, and Councilman McRary moved that the Corporation [illegible]ounsel be instructed to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission [illegible]e be placed before the Council, and to give notice and publication of a public hearing on same, which motion was sec[illegible]nded by Councilman Mulvaney, and unanimously adopted.

[illegible] ORDINANCE - RECOMMENDA[illegible]
PLANNING AND ZONING COMMI[illegible]
[illegible] Sheet 24, Wa[illegible]
[illegible]

A letter was received from the Planning and Zoning Commission recommending that Lot 1, Sheet 24, Ward 5 [illegible]emain as it is now zoned.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. Chester A. Cogburn and Mr. Wesley Vrable:

It was moved, seconded, and passed that Lot 1, Sheet 24, Ward 5, remain as it is now zoned.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

Mr. Max O. Cogburn, attorney for the owners of this property, appeared before the Council and stated that [illegible]he staff of the Metropolitan Planning Board had recommended this zoning change, and asked that the request be referred [illegible]ack to the Planning and Zoning Commission for further study.

Mr. Joseph M. Bland of the Malvern Hills Community Club advised the Council that the club was unanimously [illegible]pposed to this zoning change.

Following a discussion, the matter was referred back to the Planning and Zoning Commission for further [illegible]tudy and recommendation.

[illegible] ORDINANCE
[illegible] Sheet 8, Wa[illegible]
[illegible]

A letter was received from the Planning and Zoning Commission recommending that Lot 273, Sheet 8, Ward [illegible]remain as it is now zoned.

April 1, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached request of Mr. and Mrs. Henry Mills:

It was moved, seconded, and unanimously passed that the Commission recommend that Lot 273, Sheet 8, Ward 6, remain as it is now zoned.

Sincerely yours,

AR:nr
Encl:

S/ Anthony Redmond
Anthony Redmond,
Secretary

This was received as information by the Council.

[illegible] ORDINANCE - A[illegible]
[illegible]

A request was received from W. A. McElduff that the balance of Lot 21, Ward 7, Sheet 11 be rezoned from [illegible]45 Residential District to Industrial District.

This request was referred to the Planning and Zoning Commission for study and recommendation

The City Manager advised that a resolution had been prepared closing the public alley running across Lots 139 and 140, and relocating said alley across Lot 139, Plat Book 7 page 64.

Mr. Charles F. Speers of 108 Lakewood Drive, owner of adjacent lots, opposed this proposed action because he said it might adversely affect access to his property.

Following a discussion, Councilman Sumner introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a public alley running across Lots 139 and 140 as shown on Plat Book 7 page 64 in the Buncombe County Registry; and relocating said alley across Lot 139 of said book and page, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 316.

The City Manager advised that the city had been requested by the Citizen-Times Publishing Company to abandon a small triangular piece of property, approximately 14 x 14 x 20, abutting on Battery Park Avenue and O. Henry Avenue, dedicated for sidewalk purposes, and that the procedure would be to set a date for a public hearing on this request.

Councilman Mulvaney introduced a resolution providing for a public hearing on a request to abandon a triangular piece of property, approximately 14 x 14 x 20, abutting on Battery Park Avenue and O. Henry Avenue and dedicated for sidewalk purposes, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 317.

The City Manager presented plans and specifications for the proposed addition to the Terminal Building at the Asheville Airport, which will house the Weather Bureau now located in the Post Office Building, and requested authority to advertise for bids for the construction of this addition.

Councilman Algary introduced a resolution authorizing City Manager to advertise for bids for construction work for an Addition to the Terminal Building at the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 4 at page 318.

The City Manager presented the Audit Report of the City for the period ending December 31, 1963.

Councilman Algary advised that on Monday, April 6th, at 2:30 the Citizens Advisory Committee would go on a tour of blighted neighborhoods, and invited members of the Council and interested citizens to go on the tour.

Councilman Sumner urged a speed-up in the preparation of a zoning amendment planned to create a new apartment zone in the area of the Crosstown Expressway.

The City Manager advised he would get a report on this.

The City Manager advised that engineering work on new reservoirs in the Enka and South Hominy sections had been held up by cold weather, but that the reservoirs will be completed during 1964.

There being no further business, the meeting was upon motion adjourned.

Recorded

MAYOR

CITY C

Thursday, April 9, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 9, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, C. E. Morgan, W. F. Algary, T. B. Sumner, J. W. McRary, City Manager Weldon Weir and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Westwood Baptist Church requesting that the property at the cor

of Waynesville Avenue and Craven Street be rezoned from Residential District to Business District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager presented the statement showing the budget position of the city for the period ending March 31, 1964.

Mr. Ted Snipes of 123 Shelburne Road appeared before the Council and requested that the City correct a drainage problem and sewage contamination in the rear of his property.

The City Manager advised that it was the opinion of the city that the culvert was large enough, but that trash and rubbish from properties upstream block the culvert mouth on occasion, and that cleaning up private property was a private responsibility. As to the sewage problem the City Manager advised that the city offered to straighten the branch and relocate the main sewer, but that not all the property owners would agree to give up rights-of-way.

The matter was discussed by the Council, and Councilman Algary asked if the National Guard could be asked to clear its portion of the flooded property of logs and trash, and the City Manager said he would make the request. Councilman McRary asked Mr. Snipes if he would help persuade his upstream neighbors to agree to give rights-of-way for the sewer relocation, and Mr. Snipes said he would be glad to help.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, April 16, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 16, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, T. B. Sumner, J. W. McRary, F. M. Mulvaney, and City Manager Weldon Weir.

The minutes of the previous meeting were read and approved.

A petition was received from Richard Jennings asking the Council to investigate the authority of the City School Board to levy a special tuition charge on students of Lee H. Edwards High School who live inside the city limits but outside the Asheville School District.

The City Manager advised that the corporate limits of the City of Asheville and the Asheville School District limits are not the same, and that the Asheville School District special levy of 25¢ is levied by the County Commissioners; that the matter is administered entirely by school authorities; and that the Council has no jurisdiction. The City Manager pointed out that property owners inside the city but outside the Asheville School District can join together to secure inclusion in the district by petition to the school board and the holding of a special election.

The City Clerk was requested to forward the petition to the Asheville School Board.

The City Manager reported in regard to the complaint of Ted Snipes about the flooding of his property that the National Guard had been very cooperative and had done considerable work in cleaning up this property; and further that the easements for rights-of-way are now being circulated in an effort to relocate the sewer line.

The City Manager reported the bids received on April 15th for the construction of the addition to the Terminal Building at the Asheville Airport:

General Contract

Wike Lumber Company	Morganton, N. C.	$ 53,200
Merchant Construction Company	Asheville, N. C.	52,200
J. B. Robinson Construction Company	Asheville, N. C.	49,900
J. B. Gallimore	Greensboro, N. C.	47,600
C. Southworth Company	Asheville, N. C.	47,000

Plumbing Contract

Price Piping Company	3,300
Baker Plumbing Compan y	3,155
Rogers Plumbing & Heating Company	3,500
Asheville Plumbing & Heating Company	2,820

Heating, Ventilating & Air Conditioning

Service Refrigerating Company	14,464
H & W, Inc.	11,251
J. E. Arthur Company	12,655
Baker Plumbing Company	10,204
Rogers Plumbing & Heating Company	8,750

Electrical

Hyatt Electric Company	$ 9,950
Hayes & Lunsford Electric Company	9,666
Bryant Electric Company	9,588
M. B. Haynes Electric Corporation	9,770
Frank E. Cable	10,960

and advised that Six Associates had recommended that the contracts be awarded to the low bidders as follows:

General Contract	H. Southworth Company	$47,000
Plumbing Contract	Asheville Plumbing & Heating Company	2,820
Heating & Air Conditioning Contract	Rogers Plumbing Company	8,750
Electrical Contract	Bryant Electric Company	9,588
	Total	$68,158

and that funds for this construction would be included in the budget for the next fiscal year.

Councilman McRary introduced a resolution awarding contracts for construction for addition to the Terminal Building at the Asheville Airport, which was, upon motion of Councilman McRary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 319.

Councilman Algary introduced a resolution of notice that the Council will consider extension of the porate limits of City of Asheville to include certain property located in Biltmore Ward, Buncombe County, North Carolina, bounded by Shiloh Road, Hendersonville Road and West Chapel Road, which was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 320.

The City Manager advised that the Carolina Power & Light Company has made an adjustment, which has been approved by the State Utilities Commission, for lower charges for operation of mercury vapor street lights, and that this will result in a saving to the city of about $12,000 annually, effective May 2nd.

Dr. Russell L. Norburn read a prepared statement in favor of fluoridation, and requested the city appropriate $100,000 or more yearly for the expansion of local public dental clinics.

Mayor Eller advised Dr. Norburn that this matter is now in the courts.

Mr. E. J. Mathis presented a petition signed by a number of residents of Shelburne Road and Zephyr Drive requesting an immediate investigation of the contamination of the branch between Shelburne Road and Talmadge Street.

The City Manager advised that this is the same request made by Mr. Ted Snipes, and that this sewer line will be relocated as soon as rights-of-way are secured.

There being no further business, the meeting was upon motion adjourned.

MAYOR

margaret [illegible]
CITY

Thursday, April 23, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 23, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen T. B. Sumner, W. F. Algary, F. M. Mulvaney, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A proposal was received from Ernest Harris, President of International Life & Accident Insurance to lease Tract #2, containing 7.93 acres, as described on plat of proposed industrial development at Asheville report prepared for Davis & Davis, dated July, 1961, for purpose of construction of a 100 room motel, said lease run for a period of 30 years at a monthly rental of $432.00, beginning with the completion of an overpass carrying Buck Shoals Road over I-26 adjacent to the airport.

The City Manager advised that this proposal was in line with the proposed development of this

city, and requested authorization to proceed.

Following a discussion, the Council authorized the City Manager to invite a formal lease proposal for consideration by the Council.

Miss Fannie McCoy, and Mrs. Carl B. Stroupe, president of the Buncombe County Branch of the Pure Water Association, appeared before the Council opposing fluoridation of the city water supply, asking why the city has installed fluoridation equipment at North Fork.

The City Manager explained that equipment had been purchased in compliance with the Council's order of last September to proceed with fluoridation, and that equipment has been partially installed, but that no fluorides have been purchased and that the city has no intention of disobeying a court order.

The City Manager advised that today is the date set for the public hearing on the proposed rezoning of property on Swannanoa River Road owned by Eugene Haynes and Elizabeth Hensley, property on Swannanoa River Road owned by Clyne H. Quinn, property on both sides of Haywood Road between Swannanoa Avenue and Michigan owned by sixteen petitioners, property on Fairview Road owned by J. Albert Reed, property on Fairview Road owned by Mrs. Lelia M. Brown, and property on Deaverview Road owned by Charles E. Starnes.

There being no objection, Councilman Mulvaney introduced Ordinance No. 492, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager advised that the State Highway Commission has presented a draft agreement under which the city would pay off some one million dollars as the city's share of rights-of-way for Expressway, proposed connector link with the junction of interstate routes 26 and 40, the proposed connector with I-40 east of Asheville, and the new Asheville-Weaverville highway now underconstruction, at the rate of $110,000 a year without interest, the city's share of said right-of-way acquisition costs being some 20 per cent of the total.

This matter was referred to the Corporation Counsel for study and report back to the Council on the legal aspects.

The City Manager advised that the Local Government Commission has prepared a proposal for retiring the proposed issueof $750,000 of Public Improvement Bonds in connection with the Urban Renewal Project in twenty-five years, and that an expected six million increase in city tax valuations next year will make it possible to assume the obligation with no change in the present property tax rate.

Following a discussion, the Council requested the City Manager to ask the Local Government Commission to proceed with the preparation for the bond sale under this schedule.

The City Manager presented a draft of a three-way agreement involving the city, Northwestern Bank and the George Goodyear Company in the ownership, construction and operation of a multi-story parking building on the site of the present Langren Hotel and adjoining property on College Street as previously announced.

Following a discussion, the Corporation Council was requested to study the proposed agreements, and report back to the Council.

There being no further business, the meeting was upon motion adjourned.

MAYOR

margaret [illegible]
CITY CLERK

Thursday, April 30, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, April 30, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Charles R. Bramwell, Jr. requesting that the Billiard Hall Ordinance be amended to permit construction of a modern billiard hall on the Tunnel Road.

Following a discussion, Councilman Sumner moved that the Corporation Counsel be requested to prepare such

an amendment, which motion was seconded by Councilman Morris, and unanimously adopted.

A letter was received from the State Highway Commission requesting that 50.66 acres of property located on [illegible] and adjacent to the Swannanoa River be annexed to the City of Asheville.

Following a discussion, Councilman McRary moved that a resolution setting date of public hearing on the proposed annexation be prepared, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A petition signed by a number of property owners was received requesting the rezoning of Lots [illegible] and [illegible], Sheet 9, Ward 3, corner of Pearson Drive and West Chestnut, from Residential District to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 492, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

Councilman Mulvaney introduced a resolution appointing two members of Advisory Board as created under Ordinance #[illegible], which was seconded by Councilman McRary.

Councilman Sumner requested that this Board investigate the fumes emitted by buses, and the City Manager advised he would ask that this be done.

Following the discussion, the resolution was unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 321.

Councilman Algary introduced a resolution authorizing Mayor and City Clerk to execute on behalf of the City a note and purchase money deed of trust to The Northwestern Bank in connection with the erection of a parking building on site of the Langren Hotel, which was seconded by Councilman Morris.

The matter was discussed by the Council, and following the discussion said resolution was unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 322.
Copies of various instruments will be found attached to original resolution.

The City Manager advised that today is the date set for the public hearing on the proposed annexation of certain property on the New Leicester Highway owned by Robert L. Vaillancourt.

There being no objection, Councilman Morris introduced Ordinance No. 493, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Mayor Eller voted "aye"

The City Manager presented the Audit Report of the City of Asheville Board of Alcoholic Control for the period ending March 31, 1964.

Councilman Algary, Chairman of the Citizens Advisory Committee, announced that subcommittees of this group are now working on revisions of the building code and zoning ordinance; that there will be a meeting on Wednesday afternoon at 3:00 on the fifth floor of the City Hall, at which time Mr. Robert Barbour, the Planning Director, will discuss new zoning changes, particularly relating to apartment houses, and that members of the Council are invited to attend this meeting.

Mr. Algary further announced that the committee, which has sponsored two tours of substandard housing areas, will conduct a third tour next Tuesday at 12:30 for members of the Ministerial Association, and a fourth tour the Monday following for women civic leaders.

Mayor Eller stated that recent traffic accidents on the Smoky Park Bridge have brought a number of questions as to responsibility for safety measures on the bridge.

The City Manager advised that maintenance of the bridge and expressway is a responsibility of the State Highway Commission, and that it is his understanding that State Highway engineers are now studying this problem and it is hoped some conclusions will be reached in a day or so.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Simmons
CITY CLERK

Thursday, May 7, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 7, 1964, at 4:00 o'clock P. M. with Vice-Mayor F. M. Mulvaney presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved, with the exception Councilman Sumner requested that there be inserted in the discussion concerning the Northwestern Bank and George Goodyear Company a statement to the effect that it was clearly understood that there was no obligation of indebtedness to be assumed on the part of the City other than the purchase money note.

Ordinance No. 492, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "Aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Councilman Morris voted "aye" — Vice-Mayor Mulvaney voted "aye"

ORDINANCE NO. 492

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Zoning Map and Zoning Ordinance, being Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, be and is hereby amended as follows:

(Lots hereinafter referred to under this section shall mean Lots of Record and be as defined in said Ordinance No. 322, and the designated lot numbers, sheets and wards hereinafter referred to under this section shall refer to the City of Asheville and Buncombe County Tax Maps.)

1. That the following described property be rezoned from RA-6 Residential to NEIGHBORHOOD TRADING AREA:

(a) Lot 132, Sheet 17, Ward 8
(b) Lots 127 and 128, Ward 26, Ward 7
(c) Lots 129, 130, 131, 132 and 133, Sheet 26, Ward 7
(d) Lots 4 and 131, Sheet 17, Ward 8

2. That the following described property be rezoned from Commercial District to RA-6 RESIDENTIAL DISTRICT:

That area shown on Buncombe County Tax Maps, being Lot 9-1/4, Sheet 19, Ward 5, and that portion of Lot 9 lying to the west of Lot 9-1/4 and contained within the following boundaries: Beginning at the Southwest corner of Lot 9-1/4 and continuing North 86 degrees 42 minutes West to the right-of-way of the Southern Railroad (extension of Southern boundary of Lot 9-1/4); thence in a Northerly direction along the Eastern right-of-way of the Southern Railroad to the Southern boundary of the Deaverview Road right-of-way; thence Easterly along the same right-of-way to the Northwestern corner of Lot 9-1/4, Sheet 19, Ward 5; thence in a South, Southeasterly direction along the Western boundary of said lot to the point of BEGINNING.

3. That the following described property be rezoned from Business District to COMMERCIAL DISTRICT:

Lots abutting Haywood Road on its north margin and shown on Ward 6, Sheet 6, beginning at the Western margin of the present Commercial District and extending along said North margin of Haywood Road to the Western line of Lot 2, Sheet 6, Ward 6, and also the lots of record abutting on the Southern margin of Haywood Road shown as Ward 5, Sheet 6, to the approximate depth of 240 feet Southwardly from the said Southern margin of Haywood Road and lying between the Western margin of Swannanoa Avenue and the Eastern margin of Michigan Avenue.

Section 2. That the office of the City Engineer is hereby authorized and directed to make the changes hereinbefore enacted in said zoning map.

Section 3. That if any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, clause and phrase thereof, irrespective to the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 4. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 5. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 23 day of April, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 7 day of May, 1964, to become effective 22 day of May, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 493 , being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager advised that today is the date set for the public hearing on the proposed closing of a small triangular piece of property abutting on Battery Park Avenue and O. Henry Avenue which was dedicated for sidewalk purposes.

There being no objection to said closing, Councilman Morris introduced a resolution authorizing abandonment and closing and disclaiming any public interest in a triangular piece of property, approximately [illegible] x 1- x 2-, abutting on Battery Park Avenue and O. Henry Avenue, and dedicated for sidewalk purposes, which was upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of said resolution will be found in Resolution Book #4 at page 323.

The City Manager advised that the State Highway Commission has presented an appraisal of $38,30[illegible] for twenty and one-half acres of Rhodendron Park land needed for highway construction for a right-of-way for connector highway linking the intersection of Interstate Routes 26 and 40 with Patton Avenue west of the Smoky Park Highway Bridge. The City Manager further advised that this right-of-way will take in the present Rhododendron Park clubhouse and park entrance, and that the payment will be used to replace the clubhouse and entrance and other park improvements.

This appraisal was approved by the Council, and the City Manager was directed to so notify the State Highway Commission.

The City Manager advised that there had been a request by Julius Levitch for an extension of the proposed billiard hall district on Tunnel Road, and that an ordinance had been prepared creating a fourth Billiard Hall District beginning on the east side of Beaucatcher Tunnel and running on both sides of Tunnel Road to the intersection of White Pine Drive, and thence on the west side of Highway 74 eastwardly for a distance of one thousand feet.

Councilman Sumner introduced Ordinance No. 494, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE [illegible] OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS, which upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Vice-Mayor Mulvaney voted "aye"

The City Manager presented the statement showing the budget position of the city for the period ending April 30, 1964.

Councilman Algary discussed the reported recommendation of the State Highway Commission for reduced speed limits on Patton Avenue west of Smoky Park Bridge, and said he had no objection to the 35 mile limit on the bridge itself, but that the same limit on Patton Avenue west to the city limits was not right for a four-lane highway, and he didn't think 45 miles an hour there was too high.

The City Manager advised that the matter will come back to the City Council for final approval, but pointed out that Patton Avenue west of the bridge is an unlimited access highway with many business establishments.

Councilman Algary stressed the need for access driveways, and especially to the proposed shopping center on the Tunnel Road.

The City Manager pointed out that a site plan for the development must be approved by the Council before a building permit can be issued, and that the matter of exits and entrances can be settled at that time.

Mr. Charles G. Lee, Jr., President of the Chamber of Commerce, presented a petition requesting the annexation of the twenty acre estate on Patton Mountain recently acquired for a western residence for North Carolina Governors, and stated the annexation was requested for the sole purpose of making said property subject to zoning ordinances and restrictions of the city.

Councilman Sumner moved that the Corporation Counsel prepare a resolution setting a date for a public hearing to consider this proposed annexation, which motion was seconded by Councilman McRary and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

VICE-MAYOR
Frank Mulvaney

Margaret Simmons
CITY CLERK

Thursday, May 14, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 14, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen W. F. Algary, C. E. Morgan, J. W. McRary, Ralph D. Morris, F. M. Mulvaney, Jr. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from Sam L. Irvin, President of Star Amusement Co., Inc., requesting that Lots 227 1/4, 228 1/4, and Lots 229 through 245, Ward 8, Sheet 9, be included in the proposed Billiard Hall District No.

The City Manager advised that this could be done by including these lots in the ordinance now under consideration.

Following a discussion, Councilman Sumner moved that Ordinance #494 be amended by including Lots 227 1/4, 228 1/4, and Lots 229 through 245, Ward 8, Sheet 9, in the description of Billiard Hall District No. IV as set out in said ordinance, which motion was seconded by Councilman Algary and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Oakland Forest".

May 14, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

The attached plat entitled "Oakland Forest" prepared by Carter and Bearden, Engineers, for Lacy T. Haith and dated January 18, 1964, shows the subdivision of real estate off Oakland Avenue.

The above described plat has been reviewed by this Commission at a regular meeting held August 14, 1963 and given preliminary approval. It is recommended to you for final approval.

Sincerely,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Councilman Morgan moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance #424, which motion was seconded by Councilman Mulvaney and unanimously adopted.

A letter was received from the Planning and Zoning Commission recommending that Lots 45 and 46, Sheet 2, Ward [illegible], be rezoned from Residential District to Industrial District.

May 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Rev. Woodrow Flynn, Pastor of the Westwood Baptist Church:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 45 and [illegible], Sheet 2, Ward [illegible], be rezoned from Residential District to Industrial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

A letter was received from the Planning and Zoning Commission recommending the rezoning of the balance of Lot 21, Ward 7, Sheet 11, from RA-5 Residential District to Industrial District.

May 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, N. C.

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the request of Mr. W. A. McElduff:

It was moved, seconded, and unanimously passed that the Commission recommend that the balance of Lot 21, Ward 7, Sheet 11, be rezoned from RA-5 Residential District to Industrial District.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr
Encl:

The above recommendations were accepted by the Council, and the Council instructed the Corporation Counsel to prepare an ordinance complying with said recommendations of the Planning and Zoning Commission to be placed before the Council, and to give notice and publication of a public hearing on same.

A letter was received from the Planning and Zoning Commission recommending a revision of the present Zoning Ordinance #322, including many changes needed to bring said Ordinance up to modern standards and establishing a new Apartment-Office Zone District (RA-M).

May 13, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

During its regular meeting, May 13, 1964, the City of Asheville Planning and Zoning Commission considered and discussed the proposed amendment to the present Zoning Ordinance and took the following action:

Mr. Redmond moved that the draft of the proposed Ordinance amending Ordinance No. 322 (City of Asheville Zoning Ordinance), as heretofore amended, be submitted to the City Council of Asheville with the recommendation that it be approved by that body. Mr. Felder seconded the motion and it carried unanimously.

This proposed Amendment has been studied during a number of past meetings of the Planning and Zoning Commission. It provides for many changes needed to bring the present Ordinance up to modern standards and establishes a new Apartment-Office Zone District (RA-M) as described in the attachments to this letter.

The Planning Commission offers its fullest cooperation to the City Council in subsequent public

hearings which will be required if this proposed amendment is considered for adoption. The Planning Staff can provide any needed assistance to the Council in its consideration of the proposed Amendment.

The following documents and maps are attached:

1. Nine copies of the proposed amendment to the Zoning Ordinance.
2. Three Maps showing the proposed boundaries of the RA-M Residential District.
3. Three copies of the legal description of the boundaries of the RA-M Residential District.

Sincerely yours,

RDR:nr
Encl:

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

Said proposed Amendment and all attachments are on file in the office of the City Clerk.

The above communication was received as information to be studied by Council, and the date of the public hearing is to be set at a later time.

Councilman Algary advised that the Sub-Committee of the Citizens Advisory Committee would hold a meeting next Wednesday for the purpose of going into this proposed Amendment in detail, and invited members of the Council to attend.

Ordinance No. 493, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY, was, upon motion of Councilman Morris, seconded by Councilman Sumner, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 493

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, the owner of the property included within the description hereinafter set out has signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owner of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 30th day of April, 1964 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged thereby annexing the territory and property described as follows:

Located in Hazel Ward, Buncombe County, North Carolina
BEGINNING at a stake in the eastern edge of the 100-foot wide Leicester Highway right of way 51.96 feet and bearing North 54 deg. -13' East from a bolt in the pavement at the Southwest corner of Lot 8 1/4, Hazel Ward, Sheet 13 of Buncombe County Tax Map and running North 54 deg. -13' East 778.32 feet to a locust hub in the existing City Limits Line; thence, North 2 deg. -45' East 478.74 feet along the existing City Limits Line to a hub at the northeast corner of Lot 38 on said Buncombe County Tax Map; thence, South 54 deg. -20' West 962.31 feet to a stake in the said eastern edge of the Leicester Highway right of way; thence along the said eastern edge of Leicester Highway right of way South 18 deg. -16' East 250.70 feet and South 20 deg. -01' East 142.80 feet to the place of BEGINNING. Being all of Lots 8 1/4 and 38 excepting that area within the 100-foot wide Leicester Highway right of way, and containing 7.52 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 30 day of April, 1964.

Ralph D. Morris
COUNCILMAN

SECONDED BY: T. B. Summer
COUNCILMAN

Read, approved and adopted, this 14 day of May, 1964, to become effective 29 day of May, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Ordinance No. 494, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", as amended at this meeting, was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that a License and Privilege Tax Ordinance had been prepared in accordance with the rough draft presented sometime ago; that copies of the rough draft were distributed to merchants and other interested citizens; and that no request for changes had been made.

Whereupon, Councilman Sumner introduced Ordinance No. 495, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965, which was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that the State Highway Commission had enacted a resolution concerning the speed zone on Patton Avenue and the Asheville Expressway and had requested concurrence of the City Council; that these highways are under the jurisdiction of the Highway Commission, and any traffic controls erected must be approved by the said Commission; but that the Council could request a change at any time.

Councilman Algary again objected to the 35 mile speed limit on Patton Avenue west of the bridge, and stated he thought 45 miles an hour was a more realistic speed.

Other Councilmen stated they thought the Council should cooperate with the Highway Commission.

Mr. V. G. Hutchison of 185 Bear Creek Road also protested the reduced speed limit.

Following the discussion, Councilman McRary introduced Ordinance No. 496, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS, AS AMENDED BY ORDINANCE 491", which was, upon motion of Councilman McRary, seconded by Councilman Morris, passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "no" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager requested that the Charter requirement that the ordinance be read on three separate days be dispensed with, in order that necessary signs could be erected at once and enforcement begun.

Councilman Sumner thereupon moved that the Charter requirement that this ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morris and unanimously adopted.

Ordinance No. 496, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS, AS AMENDED BY ORDINANCE 491", was, upon motion of Councilman Morris, seconded by Councilman Morris, passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "no" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Ordinance No. 496, being "AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE #298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS, AS AMENDED BY ORDINANCE 491", was, upon motion of Councilman Algary, seconded by Councilman Morris, passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "no" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 49

AN EMERGENCY ORDINANCE AMENDING SECTION 753. SPEED REGULATIONS OF THE CODE OF THE CITY OF ASHEVILLE, BEING ORDINANCE NO. 298, TO PROVIDE FOR SPEED LIMITS ON PORTIONS OF THE STATE HIGHWAY SYSTEM STREETS LOCATED WITHIN THE CITY LIMITS, AS AMENDED BY ORDINANCE 491

THAT WHEREAS, Section 753. Speed Regulations of Ordinance 298, being the Code of the City of Asheville, as amended by Ordinance No. 491, provided for vehicular speed limits on the streets of the City of Asheville; and

WHEREAS, Chapter 949 of the 1963 Session Laws enacted GS 20-141 by adding thereto new sub-sections designated (g1) and (g2) allowing local authorities to change the speed limits within the city limits after investigation of the engineering and traffic conditions relating thereto; and

WHEREAS, the engineering and traffic investigations required in said new subsections have indicated immediate need for changes as set forth hereinafter to expedite and facilitate the movement of vehicular traffic on the designated streets, and thereby preserve the safety of persons and property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That Section 753. Speed Regulations of Ordinance 298, as amended by Ordinance #491, be amended by adding at the end of sub-section (e), set forth in said Ordinance #491, the following:

21. Patton Ave. from Hall St. (NC 191) to Otis St.

22. Patton Ave. (US 19-23) from the western corporate limit to North Hanover St. (NC 191), thence along Patton Ave. (US 19-23-NC 191) to Hall St. (NC 191).

Section 2. That Section 753. Speed Regulations of Ordinance 298, as amended by Ordinance #491, be amended by adding at the end of sub-section (f), set forth in said Ordinance #491, the following:

9. Expressway (US 19-23) from a point 0.25 mile east of Hall St. (NC 191) to Hall St. (NC 191).

10. Hall St. (NC 191) from the Asheville Expressway northward to Riverside Dr., thence northward along Riverside Dr. (NC 191) to the corporate limit.

Section 3. This ordinance shall become effective upon adoption by the State Highway Commission of concurring ordinance, and the erection of signs giving notice of the authorized speed limit.

I move the adoption of the foregoing ordinance, this 14 day of May, 1964.

J. W. McRary
COUNCILMAN

SECONDED BY: Ralph D. Morris
COUNCILMAN

Read, approved and adopted, this 14 day of May, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager presented an architect's sketch of the Murphy Teenage Center to be built in the Valley section, and advised that with the approval of the Council the architects were ready to proceed with the plans and specifications of this facility, which would come back to the Council in full detail, and would be included in the budget for the coming year.

The Council instructed the City Manager to advise the architects to proceed.

Mr. Curtiss Dolan, Chairman of a subcommittee of the Citizens Advisory Committee, presented proposed revisions in the Housing Code, the major revisions being that demolition of condemned buildings be authorized by the enactment of an ordinance by the City Council instead of by order of the Building Inspector, and a requirement that when a rented house becomes vacant a "certificate of occupancy" must be issued by the Building Inspector before a dwelling can be rented again.

Mr. A. G. Carver, Jr., local real estate and renting agent, objected to the occupancy certificate requirement.

The City Manager suggested that the Corporation Counsel review the proposed revisions and put same in ordinance form to be presented to the Council, and that in the meantime the revisions would be available to the public through the Redevelopment Commission office.

Following the discussion, Councilman Algary moved that the date of June 4th be set as the date on which the proposed ordinance will be considered on its first reading, which motion was seconded by Councilman Morgan, and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

CLERK

CITY CLERK

Thursday, May 21, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 21, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen Ralph D. Morris, J. W. McRary, T. B. Sumner, F. M. Mulvaney, C. E. Morgan, R. F. Algary, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

Minutes of the previous meeting were read and approved.

A letter was received from Frank C. Kiser requesting the rezoning of Lot 12, Sheet 19, Ward 6.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 494, being "AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS," was, upon motion of Councilman Sumner, seconded by Councilman Morgan, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 494

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 16, OF ORDINANCE 298, KNOWN AS THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That sub-section (4) of Section 185. License, Restriction. of Article 16, Chapter 2 of Ordinance 298, known as The Code of the City of Asheville, be amended as follows:

By changing the period at the end of said sub-section to a comma, and adding the following:

"unless accompanied by a parent or guardian."

Section 2. That Section 193. District, Description of. of Ordinance 298, known as The Code of the City of Asheville, be amended as follows:

By adding at the end of said section a new District, to be known as Billiard Hall District No. IV as follows:

BILLIARD HALL DISTRICT NO. IV

BEGINNING on the east side of Beaucatcher Tunnel, and running thence parallel on both sides of Highways &0 and 74 (Tunnel Road) in an easterly direction and including Lots 227 1/4, 228 1/4 and Lots 229 through 245, Ward 8, Sheet 9 to the intersection of White Pine Drive; thence continuing on the west side of Highway 74 eastwardly for a distance of one thousand feet.

Section 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed.

Section 4. That this ordinance shall be in full force and effect fifteen days from date of final passage.

I move the adoption of the foregoing ordinance, this 7 day of May, 1964.

T. B. Sumner
COUNCILMAN

SECONDED BY: C. E. Morgan
COUNCILMAN

Read, approved and adopted, this 21 day of May, 1964, to become effective 5 day of June, 1964.

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

E. W. Eller
MAYOR

Margaret Simmons
CITY CLERK

Ordinance No. 495, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965", was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Councilman Morris suggested that this ordinance be carefully studied before next year in order that revisions can be made where necessary.

The City Manager advised that today is the date set for the public hearing on the proposed annexation of certain property in the Shiloh section as requested by petition.

Mr. Ruben Dailey, attorney for petitioners, and a number of citizens appeared in favor of said request.

There being no opposition, Councilman Mulvaney introduced Ordinance No. 496, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that as previously agreed the State Highway Commission had prepared a Right-of-Way Agreement through part of the Rhododendron Park property in connection with the construction of I-40.

Councilman Morgan introduced a resolution directing Mayor and City Clerk to execute right of way agreement on behalf of the City with the State Highway Commission in connection with the construction of I-40 and known as State Project 8.19048 and 8.19092, which was, upon motion of Councilman Morgan, seconded by Councilman Sumner, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 324.
Copy of Agreement will be found attached to original resolution.

The City Manager advised that The Pure Oil Company has had a certain tract of land at the Northeast Quadrant of I-26 and Buck Shoals Road near the Asheville Airport appraised, and had made an offer to lease same for a period of twenty-five years with options to renew at five year intervals, making a total of seventy years, beginning January 1, 1965, at a rental of $231.50 per year, with ad valorem taxes on land and improvements to be paid by said Company.

Councilman Sumner stated he thought the rent should be adjusted after twenty-five years, and each ten years thereafter, and that this clause be included in the lease.

Councilman Algary suggested a twenty-five year lease with three five year options, after which an appraisal be made and rent adjusted accordingly.

Mr. Fred L. Stanley, representing The Pure Oil Company, was present and stated he would call his company long distance to get their reaction to the proposal.

There was a short recess, following which Mr. Stanley reported that his company would agree to a base lease of twenty-five years, with three five year renewal options at the rental of $231.50 per month, with seven more five year options, and if the company decided to exercise the additional options the land would be reappraised at the end of each five year period and rent adjusted to equal 6% of appraisal value, and the Company would accept a letter from the Corporation Counsel to this effect.

Following a discussion, Councilman Algary introduced a resolution authorizing and directing Mayor and City Clerk to execute on behalf of the city a lease with The Pure Oil Company for certain property at the Northeast Quadrant of I-26 and Buck Shoals Road near the Asheville Airport, which was, upon motion of Councilman Algary, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 325.
Copy of lease will be found attached to original resolution.

Miss Fannie McCoy protested the proposed Housing Code and Urban Renewal Project.

Councilman McRary introduced a resolution electing member of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund, which was, upon motion of Councilman McRary, seconded by Councilman [illegible], unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 326.

Councilman Algary stated that the State Highway Commission has done a great deal of landscaping along its rights of way over the state, and he would like to recommend that the City Manager request the Commission to landscape the Expressway.

Following a discussion, Councilman Algary moved that the City Manager be so requested, which motion was seconded by Councilman Sumner and unanimously adopted.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, May 28, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, May 28, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen C. E. Morgan, F. M. Mulvaney, Ralph D. Morris, W. F. Algary, T. B. Sumner, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

A letter was received from the Planning and Zoning Commission recommending the approval of a plat entitled "Section One - Knollwood", plus the accepting of Tracts A & B as being deeded to the City of Asheville.

May 28, 1964

Honorable Mayor
Members of City Council
City Building
Asheville, N. C.

Gentlemen

The attached plat entitled "Section One - Knollwood" prepared by Hollowell & Associates, Inc. Greensboro, N. C. for Pilot Construction Company and dated April 27, 19[illegible], shows the subdivision of real estate off Louisiana Avenue.

The above described plat was reviewed by this Commission at a regular meeting held February 5, 1964 and given preliminary approval. It is recommended to you for final approval, plus the acceptance of Tracts A & B as being deeded to the City of Asheville.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

Mayor
Eller

Councilman Mulvaney moved that the above plat be approved by the Council in accordance with the requirements of subdivision ordinance #424, and that Tracts A & B be accepted, which motion was seconded by Councilman Morgan and unanimously adopted.

A letter was received from J. C. Joyner, attorney for Mrs. Edwin Jowett, requesting the rezoning of Lots 43 through 49, inclusive, and Lots 51 through 57, inclusive, from RA-10 District to RA-6 District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Ordinance No. 495, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965", was, upon motion of Councilman Sumner, seconded by Councilman Mulvaney, unanimously passed on its third and final reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

The City Manager advised that he had had some calls concerning this ordinance, and had suggested that any proposed changes be submitted to the Council for consideration; that no such changes had been submitted, but that the ordinance could be amended at any future time.

ORDINANCE NO. 495

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1964 AND ENDING JUNE 30, 1965

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1.

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the business, trades, professions, callings, occupations, or doing the act named, or selling or offering for sale any of the articles enumerated herein, within the corporate limits of the City of Asheville, from the first day of July, 1964, to the thirtieth day of June, 1965, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. If any person shall fail to pay any license tax required by this ordinance by October 1, 1964, 5% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the five (5%) per centum per month thereof, has been paid. The addition of the five (5%) per centum per month on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency. The payment of any particular tax hereby imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Section 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance, shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

Section 3.

(a) That any person, firm or corporation, desiring to engage in any business, trade, or vocation, or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person, interested in or connected with such business, to give evidence upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
2. Bowling Alleys, or Alleys of like kind.
3. Shooting Galleries.
4. Cane Boards, Jingle Boards, or Knife Racks.
5. Penny Arcades.
6. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
7. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
8. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
9. Phrenologists. (Prohibited.)
10. Lunch Counters or Restaurants.
11. Hotels, Lodging Houses, or Boarding Houses.
12. Soft Drinks.
13. Junk Dealers.
14. Pressing Clubs.
15. Pawnbrokers.
16. Second-Hand Dealers.
17. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

Section 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine.

1. Pawnbrokers - - -

[illegible] not over $300.00 -$ 100.00
[illegible] each work vehicle over $300.00 - 1,000.00
[illegible] Semi-Trailers - 500.00
[illegible] Trailers - 500.00

Section 5.

That wherever the word "person", is used in this ordinance, the same shall be construed to include [illegible], co-partnerships, corporations, and "associations."

Section 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or [illegible] agreed to be ascertained, it shall be the duty of persons applying for license to render to the Director of [illegible] a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case the Director of Finance shall not be required to receipt for the money or license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after Jan. 1, 1965 and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Section 7.

Where any business is begun after Jan. 1, 1965, the licensee shall pay for such business and the amount of such tax shall be one-half of the tax prescribed; provided, however, that no license shall be issued for less than one dollar. This section is in compliance with Section 100, Article 2, Schedule B, Subsection B, [illegible] of the State of North Carolina for 1939, as amended.

Section 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to [illegible] alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on business, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall [illegible] and such license tax be paid within thirty (30) days.

Section 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

Section 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite period of time by the City Manager, without refund of any part of the tax paid, if the licensee or [illegible], or person in charge of the business, or employees, shall violate any ordinance or law relative to such business or be convicted of same, or if, in the judgment of the City Manager, the licensee does, by reason of the manner or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

Section 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1964-1965, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that the same be paid or inflict a penalty as provided in this ordinance.

Section 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Section 14.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegally or illegally operated, the City Manager has the authority to revoke the license.

LICENSE SCHEDULE

Section 15.

ABATTOIR OR SLAUGHTER HOUSE.

Per annum - - - - - - - - - - - - - - - - - - -

Every person, firm, or corporation engaged in the business of selling agricultural implements and machinery, shall pay a tax of - - -

[illegible] shall pay for the privilege of delivering such products within the City, a [illegible] - - -

- - - -

(a) Every person, firm, or corporation, engaged as a dealer in lumber and/or other building ma-
[illegible] and paints erected, shall pay a license tax, per annum of - - - - - - - - - - - - - - - - - $50.00

[illegible], wood mantels and tiles are handled with building materials, the license shall be - $75.00

(b) Building material brokers: Every person, firm, or corporation, engaged in the brokerage of
[illegible], shall pay a license tax of, per annum - $50.00

(c) Every person, firm, or corporation, hauling or delivering lumber or building material in
[illegible] or Asheville, not [illegible] in sub-section (a) and (b) shall pay the following tax:

[illegible] - $25.00
[illegible] - 50.00

Every person, firm or corporation, selling or delivering second hand building material within
[illegible], shall pay a license tax of, per annum - $37.50

[illegible] shall pay a license tax of, each per annum - - - - - - - - - - -$50.00

[illegible], ROOFING, FELT, TAN-BARK, ACID WOOD, OR SIMILAR ARTICLES - OFFICE ONLY.

[illegible], no agent - $37.50

[illegible].

[illegible].

[illegible].

[illegible].

Every person, firm or corporation, manufacturing candy or other confectioneries, employing
[illegible] persons or less, shall pay, per annum - $37.50

[illegible], per annum -$50.00

[illegible].

A wholesale, where less than twenty (20%) per cent of the business done is the selling of candy, per
annum -$75.00

A wholesale, where less than twenty (20%) per cent of the business done is the selling
[illegible], per annum -$10.00

Every person, firm or corporation selling candy at retail - - - - - - - - - - - - - - - - - 5.00

Every person or corporation delivering candy or chewing gum or peanut products or other con-
fections, or tobacco products, for sale on which have not paid the wholesale tax herein levied, per an-
num -$37.50

[illegible].

[illegible].

Every person, firm or corporation engaged in the business of canvassing, per annum - - $5.00

[illegible].

A canvasser, shall mean a person who solicits orders for business, or calls from house to house
[illegible] the corporate limits of the City of Asheville.

[illegible].

[illegible].

[illegible].

Every person, firm or corporation, engaged in the business of manufacturing or selling or dis-
[illegible], candies, per a[illegible] -$25.00

[illegible].

Every person, firm or corporation, engaged in the business of a carnival company or a show of
[illegible], mov[illegible] pictures, and vaudeville shows, museum and menageries, merry-go-rounds, ferris wheels, ridi[illegible]
devices, and other like amusements and enterprises, conducted for profit, under the same general management;
or an aggregate of shows, amusements, eating places, riding devices, or any of them operating together on the
same lot or continuous lot or streets, traveling from place to place, whether owned and actually operated by
separate persons, firms, or corporations, or not, filling week-stand engagements, or giving week-stand exhibi-
tions, under canvas or not, or a part of a week, shall pay for the privilege of engaging in such business or
amusements, for each week or part of a week, a tax of - - - - - - - - - - - - - - - - - - -

[illegible] Cars".

[illegible] A[illegible].

[illegible], or corporation, selling from their business establishment, any chickens, [illegible] shall pay a license tax of, per annum - - - - - - - - - - - - $10.00

[illegible].

[illegible].

[illegible] corporation, engaged in the business of selling china and queensware, [illegible] as follows:

[illegible] from the sale of such articles - - - - - - - - - - - - - $37.50

[illegible] from the sale of such articles - - - - - - - - - - - $ 7.50

[illegible], [illegible] A[illegible].

[illegible] corporation, manufacturing cigars, cigarettes, chewing tobacco, smoking [illegible] shall pay a license tax of, per annum - - - - - - - - - - - $10.00

[illegible], or corporation engaged in the business of retailing cigars, cigarettes, chewing tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum -$7.50

[illegible] or corporation, engaged in the business of retailing, wholesaling, and/or [illegible] tobacco, snuff, or any other tobacco products, shall pay [illegible] - - - - - - - - - - - - -

[illegible]

[illegible]

On each person, firm or corporation operating a warehouse, where cold storage is furnished for [illegible] use shall be paid, per annum - $125.00

[illegible] warehouse tax shall be paid.

[illegible]

Each, per annum - $25.00

COMMISSION BUYERS AND SELLERS.

Every person, firm or corporation, who or which engages in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery [illegible] per annum - $50.00

[illegible]

(a) Every person, firm or corporation, who, for a fixed price, commission, fee, or wage, offers [illegible] construct within the City of Asheville any building, highway, street, sidewalk, bridge, culvert, sewer, water or drainage system, electric or steam railway, reservoir, or dam hydraulic or power plant, transmission tower, excavation, or grading or other improvement of structure, or any part thereof, shall pay a license tax of, per annum -$20.00

[illegible] holds [illegible] license is -$10.00

[illegible]

[illegible] corporation who for a fixed price, commission, fee or wage engages in the [illegible] with the general public as an electrician shall pay a license tax of, per annum:

[illegible] - - - - - - - - - - - - - - - - - - -

-$25.00
5.00

, or corporation engaged in the business of issuing, selling, and/or de-
certificates, tokens or other similar devices, to persons engaged
or implied that the same shall be presented
as a discount, bonus premium or as an inducement to secure trade or
corporation, selling and/or delivering the same will give the persons
value, or any commission or preference in any way on ac-
tax of, per annum - - - - - - - - - - - - - - - - - $200.00

construed to apply to a manufacturer or to a merchant who sells
manufacturers offering to present to the purchaser or customer a gift
such goods, wares or merchandise.

corporation, selling or delivering city directories, shall pay
- $37.50

- $2.00
- 1.00
- 1.00
- .25

wear a Dogs without license to be impounded.

days of notice, owner will be subject to summons to Police

of any litter born to female dog within ten days fol-

lawful to allow a destroy or remove property of another, private or public,
permitted by Dog Control Officer either upon observance of
or has 5 days to redeem dog by paying fee of $5.00 for first
dog is not redeemed within 5 days may be put to death by Dog

lawful to allow a biting or fighting dog to run at large on public
alley, park or other public place and any person violating this provision shall pay a penalty of

- $212.50

goods, and/or notions, at wholesale, shall pay
- $37.50

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures at retail where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum - $37.50

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum - $10.00

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES AT WHOLESALE.

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures at wholesale where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - - -

[illegible] $ 7.50
[illegible] - 35.00

[illegible]

See "Barrel Factories."

[illegible]

See "Box Factories."

FARM PRODUCTS.

See "Fruits and Produce."

[illegible]

See "Riding Devices."

[illegible] corporation or their agents selling, delivering or distributing fertilizer, plant food, shall pay a license tax of each, per annum - $37.50

[illegible] manufacturers of fertilizers, shall pay a license tax of, per annum - - - - - $150.00

[illegible]

[illegible] latter shall be collected from a manufacturer who is also a dealer.

[illegible]

[illegible] Auctioneers."

[illegible]

[illegible]

FISH.

Each person, firm, or corporation engaged in the business of finishing, dyeing and/or processing any cloth materials shall pay a license tax of -$300.00

[illegible]

[illegible]

[illegible]

[illegible] corporation, selling gold, silver, or other ornamental fish, alive, for [illegible] ornamental purposes shall pay a license tax of, per annum - - - - -$10.00

[illegible] when a pet shop license is obtained.

[illegible]

[illegible]

Each, per annum -$37.50

[illegible] and oysters shall secure a permit from the Health Officer.

[illegible]

[illegible]

[illegible] person, firm or corporation engaged in the operation of a business commonly known and designated as a "Five and Ten Cent Store," or where the majority of the articles of merchandise are offered for sale and are priced at less than one dollar, shall pay a license tax of, per annum - - - - - - -$300.00

Provided, where this tax of $300.00 is paid the "Chain Store" license tax, and all other license taxes levied by this ordinance on individual items, shall not be collectible, but otherwise, "Chain Store" tax and all of the other individual items shall be collectible.

[illegible]

See "Balloons."

[illegible]

Floor finishers using electrically operated machinery, shall pay a license tax of, per annum - $20.00

FLORI[illegible]

(a) On every person, firm or corporation, operating or maintaining a shop or store for the sale of flowers or ornamental plants, a license tax shall be paid of, per annum - - - - - - - - - - - $50.00

(b) No person, firm or corporation shall sell, offer for sale, exhibit or demonstrate any flowers or ornamental plants upon any public street, sidewalk, square or alley within the corporate limits of the City of Asheville, except on the curb market.

The foregoing tax shall NOT BE PRORATED.

(c) Flower Peddlers. Prohibited on all business streets and sidewalks within the fire district, except on curb market. See "Curb Market." ordinance for regulations.

FLOUR AND/OR GRIST MILLS.

Every person, firm or corporation operating a flour and/or grist mill shall pay a license tax of, per annum - $50.00

Provided, where small grist mills grinding corn only, shall pay a license tax of, per annum -$10.00

FLOUR, MEAL AND FEED STORES.

Every person, firm or corporation whose principal business is the selling of flour, meal and/or feed at wholesale or retail shall pay a license tax of, per annum - $37.50

Provided, where retail grocery stores or other retail establishments, whose principal business is not the selling of feed, the tax shall be, per annum on feed - $10.00

FLYING-JENNY OR MERRY-GO-ROUND.

See "Riding Devices."

FORTUNE TELLERS.

See "Gypsies and Fortune Tellers" (Prohibited by State Statutes.)

FOUNDRIES AND MACHINE SHOPS.

Each, per annum - $50.00

Foundries or machine shops buying or selling old scrap brass, copper, or lead, are hereby required to keep the same records as are required of junk dealers.

FOUNTAIN, SODA.

Every person, firm, or corporation, engaged in the business of operating a soda fountain or soft drink stand, shall pay a license tax as follows:

On each draft arm of each soda fountain, per annum - $5.00

FRANCHISES, SPECIAL.

See "Automobile Service Stations on Sidewalks or Streets."

FRATERNAL INSURANCE ORDERS.

Exempt by State Statutes.

FRUIT PEDDLERS.

See "Fruits and Produce."

FRUIT STANDS.

Every person, firm or corporation whose principal business is selling fruits and/or vegetables shall pay for fruits and vegetables a license tax of - $15.00

Every person, firm or corporation whose principal business is not selling fruits and/or vegetables shall pay for fruits and vegetables a license tax of - $10.00

FRUITS AND PRODUCE - WHOLESALE.

(a) Every person, firm or corporation who maintains a permanent place of business for the purpose of selling at wholesale, fresh fruits, vegetables, and produce, in the City of Asheville shall pay a license tax of, per annum - $75.00

This tax shall not apply to farmers selling or offering for sale fresh fruits, vegetables, or farm products grown by seller.

The annual City license tax must be applied for and secured in advance before offering any of the above products for sale in the City of Asheville.

This license cannot be prorated.

FUEL OIL DEALERS.

Every person, firm or corporation engaged in the business of selling or delivering fuel oil at wholesale or retail within the corporate limits of the City of Asheville, upon presentation of certificate of meter inspection as required by the State of North Carolina, shall pay a license tax of, per annum - - -

GRAPHOPHONES, PHONOGRAPHS, OR TALKING MACHINES.

See "Organs, Pianos, and Phonographs."

GRAVEL.

See "Sand, Stone and Gravel."

GROCERIES.

Wholesale, per annum -$37.50

GUN AND LAUGHTING.

Each, per annum - $10.00

GYPSIES AND FORTUNE TELLERS.

Prohibited by State Statutes.

For gypsies or strolling bands and persons living in wagons, tents, or otherwise and pretending to tell fortunes, each, per annum - $1,000.00

For gypsies or strolling bands and persons living in tents or otherwise, trading in horses or other things of value and pretending to tell fortunes, each, per annum - - - - - - - - - - - - - - - - - -$1,000.00

For persons, other than gypsies receiving rewards for pretending to tell fortunes, each, per annum -$1,000.00

(Prohibited by State Statutes.)

HAIRDRESSERS.

See "Barber Shops, etc."

HARDWARE DEALERS.

Every person, firm or corporation engaged in the business of selling hardware, shall pay a license tax, per annum, as follows -

Where the principal business is derived from the sale of hardware - - - - - - - - - - - $37.50

Where the principal business is not derived from the sale of hardware - - - - - - - - - $10.00

HARNESS REPAIRERS OR MANUFACTURERS.

Each, per annum - $25.00

HAT CLEANERS OR DYERS.

See "Pressing Clubs."

HATCHERY.

Every person, firm or corporation engaged in the business of operating a chicken hatchery, shall pay a license tax of, per annum - $37.50

HATS.

See "Millinery."

HEALING - PROFESSIONAL ART.

Exempt by State Statutes.

HIDE DEALERS.

Each, per annum - $100.00

HORSES, MULES, AND PONIES - DEALERS IN.

Every person, firm or corporation, engaged in the business of buying and selling horses and/or mules and/or ponies, shall pay a license of, per annum - $12.50

HOSPITAL SUPPLIES - DEALERS IN.

Every person, firm or corporation engaged in the business of selling or distributing hospital supplies shall pay a license tax of, per annum - $40.00

Provided, however, the tax shall not be collected from persons, firms, or corporations operating a drug store.

HOTELS.

Every person, firm or corporation engaged in the operation of any hotel, shall pay the following tax, per annum:

(a) American Plan: For hotels operating on the American Plan for rooms in which rates per day

Less than $2.00 -$ .30
2.00 and less than 3.00 - .45
3.00 and less than 4.50 - .90
4.50 and less than 6.00 - 2.10
6.00 and less than 7.50 - 2.70
7.50 and less than 15.00 - 3.00
Over 15.00 - 3.60

(b) European Plan: For hotels operating on the European Plan, for rooms in which rates per day are:

Less than $2.00 - $ .60
2.00 and less than 3.00 - 1.50
3.00 and less than 4.50 - 2.25
4.50 and less than 6.00 - 2.75
6.00 and less than 7.50 - 3.25
7.50 and less than 10.00 - 3.75
Over 10.00 - 4.25

Provided, however, the office, dining room, parlor, kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel.

HOTELS AND RESTAURANT EQUIPMENT - DEALERS IN.

Every person, firm or corporation engaged in the business of selling or distributing equipment for hotels or restaurants, whether for the culinary or other departments, shall pay a license tax of, per annum -$75.00

HOUSE MOVING, WRECKING HOUSES OR OTHER STRUCTURES.

Every person, firm or corporation engaged in the business of moving, demolishing or wrecking houses or other structures, shall pay a license tax of, per annum - $37.50

Provided, however, when this license is paid, license under second-hand building materials is not collectible.

HYPNOTISTS.

Prohibited.

ICE CREAM - ITINERANTS SELLING.

See "Balloons."

ICE CREAM - RETAIL MANUFACTURERS OR WHOLESALE DEALERS.

(a) Each retail dealer, per annum - $2.50

Provided, that a retail tax shall not be collected from restaurants or drug stores who have paid the prescribed tax.

(b) Every person, firm or corporation engaged in the business of manufacturing or distributing ice cream at wholesale, shall pay a tax of one-eighth (1/8) of a cent for each gallon manufactured, sold, and/or distributed. Reports shall be made to the Director of Finance on such form as he may approve on the 1st day of December and the 31st day of May of each tax year, covering all such gross sales during the six months period. Said tax of one-eighth (1/8) of a cent per gallon, shall be paid within and at the time of making said reports. For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ice and/or similar frozen products.

(c) Ice Cream peddlers, shall pay a license tax of, per annum - - - - - - - - - - - - $25.00

License issued, subject to approval and supervision of the Health Department and before party making application can be granted a license, it will be necessary to have a written statement from the Health Officer that the proposed method of handling ice cream is approved by him.

For the purpose of this section, "ice cream", shall apply to ice cream, frozen custards, sherbets, water ice, and/or similar frozen products.

ICE DELIVERY SERVICE.

Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has paid the ice manufacturer's license, the tax shall be on each vehicle, per annum - - - - - - - - - - - - - - - - - - -

ICE MANUFACTURERS, DEALERS OR MACHINES.

Any person, firm or corporation manufacturing ice for resale purposes with a system or process for manufacturing ice, or with an automatic ice making machine, shall pay a license tax of, per annum:

(a) Automatic ice maker with rated capacity up to 2,000 pounds per day - - - - - - - - $25.00
(b) Automatic ice maker with rated capacity of 2001 pounds per day up to 5,000 pounds per day - - - - - - - -

Every person, firm or corporation engaged in the regular business of making loans or lending money, and accepting liens on, or contracts of assignment of, salaries or wages or any part thereof, or other security or evidence of debt for repayment of such loans in installment payments or otherwise, maintaining in connection with same any office or other located or established place for the conduct, negotiation, or transaction of such business, and/or advertising or soliciting such business, in any manner whatsoever, shall be deemed a loan agency, and shall pay a license tax of, per annum - $100.00

PROVIDED, that this shall not be construed to apply to banks, industrial banks, trust companies, building and loan associations, nor installment paper dealer as defined in Section 152 of the Revenue Act of 1953 as amended. It shall apply to those persons or concerns operating, or commonly known as loan companies or finance companies, and whose business is as hereinbefore described, and those persons, firms or corporations pursuing the business of lending money and taking as security for the payment of such loan and interest or assignment of wages, or an assignment of wages with power of attorney to collect same, or other order of chattel mortgage or bill of sale upon household or kitchen furniture.

LOAN COMPANIES.

See "Loan Agents or Brokers."

LUBRICANTS, OIL, ETC. - DEALERS IN.

See "Oils and Gasoline."

LUGGAGE.

(a) Each and every person, firm or corporation where 75 per cent of the gross sale or stock of merchandise carried is luggage, shall pay a license tax of, per annum -$37.50

(b) Each and every person, firm or corporation, selling luggage and where less than 75 per cent of the sales or stock of merchandise consists of luggage, shall pay a license tax of, per annum - - - - - -$10.00

LUMBER-BROKERS OR WHOLESALE DEALERS.

Every person, firm or corporation with an office within the City of Asheville, manufacturing, buying and/or selling lumber at wholesale, and/or handling same upon a brokerage or commission basis, shall pay a license tax of, per annum - $37.50

LUMBER DEALERS.

See "Building Materials."

LUNCH - DRUG STORES.

See "Restaurants."

LUNCH ROOMS AND RESTAURANTS.

See "Restaurants."

LUNCHES - ITINERANT SELLING.

See "Peddlers."

MACHINE SHOPS.

Each, per annum -$37.50

MACHINE, SLOT LOCK, AMUSEMENT, MERCHANDISING, OR VENDING DEVICES.

Machines, Music: Every person, firm or corporation engaged in operating within the City of Asheville any slot music machine wherein by depositing a coin or thing of value, may be heard any music shall apply for and obtain a city privilege license, and shall pay for each machine - - - - - - - - - - - - - - - - - - - $5.00

Every person, firm or corporation engaged in the business of leasing, renting or letting on shares or placing on location within the City, any cigarette vending machine, shall pay an annual operator's tax of - $10.00

PROVIDED, however, that the retailer's tobacco license on each machine unless such machine is placed or located wherein a retail tobacco license has been secured, is liable for the tobacco license.

PROVIDED, however, that this section shall not apply to machines owned and operated by any retail merchant in his own place of business for delivering merchandise of the market value of the coin deposited nor shall it apply to slot machines from which drinking cups are delivered at not more than one cent per cup.

The operator or owner of each and every slot machine or slot lock shall keep posted a label that is issued with the license, same to be posted on each machine.

Any slot machine being operated without being properly licensed, shall be confiscated and/or sealed by the Tax Collecting Authorities and same shall not be released until said tax is paid, and a penalty of Two Dollars ($2.00) for each machine so confiscated or sealed. Any person breaking a seal and operating such machine after same has been sealed, shall be liable to a penalty of $50.00 for each offense.

MACHINERY.

Dealers, agents or distributors or brokers -$37.50

Subject to Merchants License-wholesale or retail, for sale of machinery parts. (Other than agricultural implements and machinery.)

MAKERS OF BONDS.

See "Bond Makers."

MANICURISTS.

Resident, each per annum - $5.00
Itinerant, per annum - 50.00

MANUFACTURERS, not otherwise specifically taxed herein -

On gross sales up to $10,000.00 -$15.00
From 10,001.00 to $25,000.00 - 37.50
From $25,001.00 to $50,000.00 - 75.00
Over $50,000.00 - 150.00

Manufacturers selling items not manufactured in the City of Asheville subject to Merchants license-wholesale or retail.

MASSAGE ESTABLISHMENTS.

Each, per annum -$37.50
Itinerant, per day - 10.00

MATCHES, WRESTLING.

See "Games."

MATTRESS FACTORIES OR RENOVATORS.

Each, per annum - $37.50

MEATS.

(a) Every person, firm or corporation engaged in the operation of a meat market, shall pay the tax in accordance with the classification hereinafter set forth:

CLASS A: Meat markets selling 500 lbs. or less of fresh meats per week, each, per annum - $25.00

CLASS B: Meat markets selling from 500 to 1,000 lbs. of fresh meats, per week, each, per annum - $50.00

CLASS C: Meat markets selling from 1,000 to 1,500 lbs. of fresh meats, per wee, each, per annum - $75.00

CLASS D: Meat markets selling over 1,500 and less than 2,000 lbs of fresh meats per week, each, per annum - $150.00

CLASS E: Meat markets selling over 2,000 lbs. of fresh meats, per week, each, per annum - $200.00

PROVIDED, however, that the Director of Finance may require at any time an affidavit from the operator for any week during the tax year, and if during any week of the tax year a meat market operator sells more meat than allowed in the Class in which he is paying license he shall be required to pay the difference between that and the Class in which he belongs.

PROVIDED, that such license tax shall be paid for each meat market operated within the corporatelimits of the City of Asheville.

Every person, firm or corporation selling cured and/or spiced meats only (salt pork and fatback excluded) shall pay a license tax of, per annum - $10.00

PROVIDED, however, meat markets pahing license for handling fresh meats shall not be liable for the additional license on cured and/or spiced meats.

(b) Every person, firm or corporation engaged in the wholesale distribution or sale of fresh or cured meats - $75.00

(c) Every person, firm or corporation storing, jobbing or selling meats of any kind from warehouses within the City limits - $200.00

PROVIDED, that the provisions of this section shall not apply to any persons, firms, or corporations who have paid the tax levied on packing houses.

NOTE: Meat not having been salted longer than twenty days shall be considered fresh meat, and the license shall be collected as itemized on retail and wholesale dealers of fresh meats. Provided, that from and after passage of this ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market permit from the Health Officer which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible to all customers who may patronize such market.

MEAT DISTRIBUTORS.

Every person, firm or corporation, selling, distributing and delivering at wholesale or retail, and not having a place of business in the City of Asheville, shall pay a license tax of - - - $75.00

Handling Sheep only - - -

Every person, firm or corporation conducting any newspaper contest, shall pay a license tax a
follows:

Weekly, semi-weekly or monthly newspapers, magazines or periodicals - - - - - - - - - - $25.
Daily newspapers - 100.

NEWS STANDS.

Per annum - $ 5.00

NEWS STANDS, ON STREETS OR SIDEWALKS.

Prohibited.

NEWSPAPER OR MAGAZINE DISTRIBUTORS.

Per annum - $37.50

NURSERIES.

Every person, firm or corporation operating a nursery, or selling or displaying for the purpos
of advertisement or sale nursery products, shall pay a license tax of, per annum - - - - - - - - - - - - $37.5

PROVIDED, if person growing plants or evergreens in City or Buncombe County not operating a store,
no tax shall be collected. Peddling plants, bulbs and evergreens, see "Goods, Wares and Merchandise."

OCULISTS.

Exempt by State Statutes.

OFFICE EQUIPMENT

Every person, firm or corporation engaged in the business of selling office equipment or supplies,
shall pay a license tax of, per annum - $37.50

OIL, FUEL

See "Fuel Oil."

OILS AND GASOLINE.

(a) Every person, firm or corporation engaged in the business of selling illuminating or lubri
cating oils or greases, or benzine, naptha, gasoline, or other products of like kind from an agency, station
or warehouse, for the distribution or sale of the aforementioned commodities as defined in Section 137 of the
Revenue Act of 1939, as amended, shall pay a license tax of, per annum - - - - - - - - - - - - - - - - - $50.00

PROVIDED, that this shall apply only to agencies or warehouses in the City of Asheville engaged
in the distribution or sale of the commodities enumerated.

(b) Every person, firm or corporation engaged in the business of selling illuminating or lubri
cating oils or greases, or benzine, naptha, gasoline, or other products of like kind, who do not maintain an
agency, station, or warehouse within the City of Asheville, shall pay a license tax of, per annum - - $50.00

(c) Every person, firm or corporation engaged in the business of reconditioning or refining
oils, shall pay a license tax of, per annum - $20.00

OPERAS.

See "Chautauquas."

OPTICAL SUPPLIES.

Every person, firm or corporation selling optical goods or supplies at wholesale, shall pay a
license tax of, per annum - $150.00

At retail, per annum - $50.00

PROVIDED, however, that the foregoing tax shall not be collected from duly licensed practicing
physicians, optometrists, or oculists.

OPTICIANS.

Exempt by State Statutes.

OPTOMETRISTS.

Exempt by State Statutes.

ORDERS. - FRATERNAL.

Exempt by State Statutes.

ORGANS, PIANOS AND PHONOGRAPHS.

Every person, firm or corporation engaged in the business of selling, offering, or ordering for
sale, any of the articles hereinafter enumerated, shall pay for the privilege of conducting such business, a
special license tax, per annum, as follows:

For pianos and/or graphophones, radios or radio accessories, victrolas, or other instruments

using disc or cylinder records, and/or the sale of records for either or all of these instruments - -$5.00

For each traveling representative or agent for the sale of pianos, and/or graphophones,
radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the
sale of records for either or all of these instruments -$5.00

ORGAN AND PIANO TUNERS OR REPAIRERS.

Organ or piano tuners or repairers, per annum - $5.00
Itinerant, per annum - 50.00

ORIENTAL GOODS - DEALERS IN.

Per annum - $37.50

OSTEOPATHS.

Exempt by State Statutes.

OYSTERS AND FISH DEALERS.

See "Fish and Oyster Dealers."

PACKING HOUSES.

Every person, firm or corporation engaged in or operating a meat packing house, and every
wholesale dealer in meat packing house products, who owns, leases, or rents and operates a cold storage
warehouse in connection with such wholesale business, shall pay for each such packing house or cold
storage warehouse, a license tax of - $200.00

PAINTING CONTRACTORS.

See "Contractors."

PAINT DEALERS.

Every person, firm or corporation selling or distributing paint, calcimine, or other paint
products, shall pay a license tax of, per annum - $50.00

Provided, however, that where the principal business is not derived from the sale of paint,
the tax shall be - $25.00

PAPER OR PAPER PRODUCTS.

Every person, firm or corporation engaged in the sale or distribution of paper or paper pro-
ducts, where twenty per cent or more of their business is the sale or distribution of paper, shall pay a
license tax of, per annum - $75.00

PROVIDED, that where less than 20% of the business is paper products, the license tax shall
be -$25.00

PARKING PLACES.

On each and every lot and/or parking place used for public parking for profit, a license tax
shall be paid, per annum -$12.50

PAVING, GRADING, SIDEWALK, SEWER, OR STORM SEWERS.

See "Contractors."

PAWN BROKERS.

See "Brokers Pawn."

PEANUT AND POPCORN ROASTERS.

Every person, engaged in the business of operating any peanut or popcorn roaster or stand,
shall pay a license tax of, per annum - $10.00

PEDDLERS OF BOOKS.

See "Book Agents."

PEDDLERS - GENERAL.

See "Goods, Wares and Merchandise."

PEDDLING.

See "Goods, Wares and Merchandise," also "Fruits and Produce."

PEDDLING OF FISH.

Prohibited.

PENNY ARCADES OR PARLORS.

See "Arcades."

PERFUMES AND TOILET ARTICLES, COMPACTS, LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water, bath salts, compacts, lip sticks, or other toilet articles, shall pay a license tax of, per annum - - - - - - - - - - - - - -$37.50

PROVIDED, however, where the principal business is not derived from the sale of perfume, cologne, toilet water, bath salts, compacts, lip sticks, or other toilet articles, the license tax shall be - - - - - - - - - - - - -

PROFESSIONAL ART - HEALING.

Exempt by State Statutes.

PROFESSIONAL LECTURES.

See "Lectures."

PUBLIC ANNOUNCEMENT OF ADVERTISEMENTS, BY USE OF BRASS BANDS, ETC.

See "Advertising."

PUBLIC STENOGRAPHERS.

Every person, firm or corporation engaged in public stenographic work, shall pay a license tax for each person so engaged, of, per annum - $2.50

QUARRIES, ROCK.

Agencies or sales offices in the City for quarries outside of the City, per truck - - - -$37.50

QUEENSWARE AND CHINA.

See "China and Queensware."

RACKS FOR KNIVES OR GAMES.

See "Cane Racks."

RADIO INSTRUMENTS OR RADIO INSTRUMENT ACCESSORIES.

See "Organs, etc."

REAL ESTATE AUCTIONEERS.

See "Auctioneers."

RELIGIOUS ENTERTAINMENTS.

See "Charitable Entertainments."

REPAIR SHOPS.

Any repair shop operating in the City of Asheville, by whatsoever name called, not elsewhere specifically licensed or taxed in this ordinance, shall pay an annual license tax as follows:

One person - - - - - - - - - - - - - - - - - - -

SHADES AND VENETIAN BLINDS.

Every person, firm or corporation engaged principally in the business of selling, erecting, cleaning and/or repairing venetian blinds or window shades shall pay a license tax of, per annum - - - - - - - - - $37.50

(a) Where cleaning and/or repairing is done the tax shall be, per annum - - - - - - - - - - $22.50

(b) Where the principal business is not the sale of venetian blinds or window shades, the tax shall be, per annum - - - - - - - - - -

STOCK AND MERCHANDISE BROKERS.

See "Brokers, Merchandise and Stock."

STORAGE OR TRANSFER WAREHOUSES.

Where a charge is made for storage service, other than cold storage, a license tax shall be paid of, per annum - - -

See "Storage Warehouses."

TRAVEL BUREAU AND AGENCIES.

Every person, firm or corporation engaged in the business of conducting a travel or transportation bureau or agency, shall pay an annual license tax of - - -

T. B. Sumner
COUNCILMAN

SECONDED BY

Frank Mulvaney
COUNCILMAN

Read, approved and adopted by the Council on first reading, 14 day of May, 1964, with all members of the Council present voting "aye"; read approved and adopted by the Council on second reading 21 day of May, 1964, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 2 day of June, 1964, with all members of the Council present voting "aye". This ordinance shall be in effect from and after its passage.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. K. Sawyer, Jr.
ASSISTANT CITY ATTORNEY

Margaret Simmons
CITY CLERK

The City Manager advised that in accordance with the request of the State Highway Commission a resolution had been prepared setting date of public hearing to annex certain property.

Councilman Mulvaney then introduced a resolution of notice that the Council will consider extension of corporate limits of City of Asheville to include certain property located in Biltmore Ward, Buncombe County, North Carolina and owned by the State Highway Commission, which was, upon motion of Councilman Mulvaney, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 327.

Ordinance No. 497, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its second reading with the following vote:

Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

Miss Fannie McCoy read a letter of protest to the proposed new Housing Code.

In response to a question by Councilman Sumner regarding the tie-up of traffic at the Biltmore crossing due to repairs being made by Southern Railway, the City Manager advised that he had been informed that it had been worked out for traffic to move on a restricted basis during the repair period.

There being no further business, the meeting was upon motion adjourned.

MAYOR

CITY CLERK

Thursday, June 4, 1964 - 4:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 4:00 o'clock P. M., on June 4, 1964.

Present: Mayor E. W. Eller, presiding, and Councilmen F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary.

Absent: C. E. Morgan.

Also present: J. Weldon Weir, City Manager, and Margaret Simmons, City Clerk.

A letter was received from the Planning and Zoning Commission concerning the proposed revision of the Zoning Ordinance recommending that this matter be returned to the Commission for further study.

June 3, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

After considerable discussion at the Asheville Planning and Zoning Commission today regarding the proposed amendments to the Asheville Zoning Ordinance which were sent to City Council on May 13, 1964, the following action was taken:

It was moved, seconded and unanimously passed that the Commission request the City Council to return the draft of the Proposed Amendments to the Asheville Zoning Ordinance and the attachments thereto, so the Commission might give this matter further study.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR:nr

The City Clerk was directed to return said draft to the Planning and Zoning Commission

ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 194, 194-1/2, 257 and 258, Sheet 9, Ward 3)

A letter was received from the Planning and Zoning Commission recommending that Lots 194, 194-1/2, 257 and 258, Sheet 9, Ward 3, omitting Lot 62-1/2 across the street, be rezoned from Residential District to Neighborhood Trading Area.

June 3, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

At the regular meeting of the Asheville Planning and Zoning Commission held today, the following action was taken on the attached Petition concerning the property of J. P. Boyd:

It was moved, seconded, and unanimously passed that the Commission recommend that Lots 194, 194-1/2, 257 and 258, Sheet 9, Ward 3, omitting Lot 62-1/2 across the street, be rezoned from Residential District to Neighborhood Trading Area.

Sincerely yours,

S/ Anthony Redmond
Anthony Redmond,
Secretary

AR;nr

Councilman Sumner moved that the above recommendation be accepted, and the Corporation Counsel was instructed to prepare an ordinance complying with said recommendation to be placed before the Council, and to give notice and publication of a public hearing on same, which motion was seconded by Councilman McRary and unanimously adopted.

ORDINANCE NO. 497 - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

Ordinance No. 497, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", was, upon motion of Councilman Mulvaney, seconded by Councilman Algary, unanimously passed on its third and final reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

ORDINANCE NO. 497

AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

WHEREAS, a majority of the owners of the property included within the description hereinafter set out have signed a petition requesting the governing body of the City of Asheville to annex such territory, which petition is on file in the office of the City Clerk of the City of Asheville; and

WHEREAS, such territory is a tract of land contiguous to the existing corporate limits; and

WHEREAS, public notice has been given by publication once a week for four successive weeks in a newspaper having general circulation in the municipality prior to the date of the public hearing describing by metes and bounds the territory to be annexed, thus notifying the owner of the property located in such territory that a session of the legislative body of the City of Asheville will meet on the 21st day of May, 1964 for the purpose of considering the annexation of such territory to the City of Asheville, a municipality of North Carolina; and

WHEREAS, the Council is of the opinion that the petition heretofore filed meets the requirements of Chapter 160, Article 36 of the General Statutes of North Carolina; and

WHEREAS, after due consideration the Council of the City of Asheville is of the opinion that it should adopt an ordinance extending the corporate limits of the City of Asheville by annexing thereto the tract or tracts of land hereinafter described under the authority and procedure for the extension of corporate limits set out in said Chapter 160, Article 36 of the General Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the corporate limits of the City of Asheville be and are hereby extended and enlarged by hereby annexing the territory and property described as follows:

BEGINNING at a stake in Lot 221, Ward 7, Sheet 18 of Buncombe County Tax Map, said stake being 30 feet south of centerline of West Chapel Road and 94.3 feet on South 58 deg. 50' East bearing from a concrete market (Corner No. 18) in the 1929 existing city limits line and runs thence South 2 deg. 43' West 274.2 feet to an iron pin in the southwest corner of said Lot 221; thence South 86 deg. 59' East 304 feet to an iron pin in the northeast corner of Lot 258, Ward 7, Sheet 18; thence South 11 deg. 25' West 344.3 feet along the east line of Lots 258, 257 and

256 to a stake, 30 feet south of centerline of Shiloh Road; thence running the following bearings and distances parallel to, and 30 feet south of centerline of existing Shiloh Road: South 80 deg. 35' West 90.5 feet, South 78 deg. 05' West 353.2 feet, South 88 deg. 59' West 190.3 feet; thence, South 75 deg. 20' West 66 feet to a stake 25' south of centerline of Shiloh Road; thence, South 54 deg. 54' West 63.9 feet; thence running the following bearings and distances parallel to, and 30 feet south of existing Shiloh Road: South 60 deg. 35' West 76.2 feet, South 67 deg. 18' West 230.9 feet, South 67 deg. 39' West 255.1 feet, South 68 deg. 13' West 227.2 feet, South 65 deg. 30' West 82.4 feet, South 67 deg. 06' West 310 feet, South 67 deg. 04' West 138.7 feet to a stake in the east line of Lot 15, Ward 7, Sheet 6; thence running along the east property line of Biltmore Forest as recorded in office of Register of Deeds of Buncombe County, N. C. Plat Book 2, Page 33; thence running along said east property line of Biltmore Forest the following bearings and distances: North 15 deg. 20' West 112.1 feet, North 16 deg. 06' West 236.95 feet, North 25 deg. 23' West 250 feet, North 30 deg. 07' West 46.98 feet to a concrete nail in west edge of Hendersonville Road paving; thence, running the following bearings and distances parallel to, and 30 feet south of centerline of existing West Chapel Road North 47 deg. 48' East 239.15 feet, North 48 deg. 00' East 695.2 feet, North 43 deg. 45' East 100 feet, North 34 deg. 15' East 85 feet, North 27 deg. 32' East 120 feet, North 48 deg. 38' East 50 feet, North 81 deg. 42' East 65 feet, North 89 deg. 30' East 196 feet, South 87 deg. 32' East 89 feet, South 78 deg. 52' East 85 feet, South 75 deg. 15' East 305 feet, South 72 deg. 14' East 130 feet, South 63 deg. 20' East 135 feet, South 66 deg. 59' East 90.15 feet to the point of BEGINNING. Containing 42.73 acres.

Section 2. That from and after the effective date of this ordinance the territory herein annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in such municipality and shall be entitled to the same privileges and benefits as other parts of such municipality, and the newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the effective date of this annexation.

Section 3. That upon the effective date of this ordinance that a survey and accurate map of such annexed territory, together with a copy of this ordinance duly certified, be recorded in the office of the Register of Deeds of Buncombe County, North Carolina, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective fifteen days after date of final passage.

I move the adoption of the foregoing ordinance, this 21 day of May, 1964.

Frank Mulvaney
COUNCILMAN

SECONDED BY: W. F. Algary
COUNCILMAN

Read, approved and adopted, this 4 day of June, 1964, to become effective 19 day of June, 1964.

E. W. Eller
MAYOR

APPROVED AS TO FORM:

O. E. Starnes, Jr.
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

The City Manager announced that today is the date set for the public hearing on the proposed revision of the Housing Code.

Miss Fannie B. McCoy objected to the new code as being "Communistic."

Mrs. Fred Gray objected to the requirement for hot water in all dwellings, and also raised the question as to the heating standards set out in the proposed Code.

Mr. A. G. Carver, Jr. also discussed the heating standards. Mr. Joseph Mongovis objected to the occupancy certificate requirement, and Mr. Jack Hickman asked questions concerning heating standards.

Mr. Curtis Dolan, Chairman of the Subcommittee of the Citizens Advisory Committee which helped prepare the new code, spoke in favor of the new Code.

The City Manager discussed the administrative details in connection with enforcement of the Code, and Mayor Eller stated that the Code was subject to amendment at any time the Council so decided.

Councilman Algary introduced Ordinance No. 498, being "AN ORDINANCE REPEALING SECTIONS 959 THROUGH 975, AS AMENDED, AS CONTAINED IN THE CODE OF THE CITY OF ASHEVILLE (1945), ALSO KNOWN AS ORDINANCE #298, AND ADOPTING A NEW HOUSING CODE OF THE CITY OF ASHEVILLE", which was seconded by Councilman Mulvaney.

The ordinance was discussed by members of the Council, and Councilmen Morris and Sumner stated they were voting for adoption, but reserved the right to amend.

Ordinance No. 498 was then passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Mayor Eller voted "aye"

The City Manager announced that today is the date set for the public hearing for the proposed rezoning of the property owned by Westwood Baptist Church on Craven Street, and the property between Sweeten Creek Road and London Road owned by W. A. McElduff.

There being no objection, Councilman Sumner introduced Ordinance No. 499, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, which was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its first reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Sumner voted "yea"
Councilman Morris voted "aye"
Mayor Eller voted "aye"

The City Manager advised that Mr. Carl Greene, attorney for Frank Rhodes, Jr., requested that the city execute a quit-claim deed to certain property in Limestone Township in order to clear the title, and that the city had no interest in said property.

Councilman Mulvaney then introduced a resolution authorizing Mayor and City Clerk to execute quit-claim deed to Frank Rhodes, Jr. for certain property in Limestone Township, Buncombe County, North Carolina, which was, upon motion of Councilman Mulvaney, seconded by Councilman McRary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 328.
Copy of deed will be found attached to original resolution.

Councilman Morris introduced a resolution authorizing and directing the Mayor and City Clerk to execute a deed to Roy Meece, Ben Heatherly, and Paul Lance, Trustees of the Boiling Springs Baptist Church, which was, upon motion of Councilman Morris, seconded by Councilman Algary, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #4 at page 329.

Councilman Sumner introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF $210,000 GRADE SEPARATION BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $210,000 Grade Separation Bonds was passed on April 4, 1963, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on May 14, 1963.

(b) That none of said bonds has been issued and that it is necessary to issue all of the bonds authorized by said ordinance.

(c) That the probable period of usefulness of the improvements to be made pursuant to said ordinance is a period of thirty years from April 4, 1964, a date not more than one year after the passage of said ordinance, and that said period expires on April 4, 1994.

Section 2. Pursuant to said ordinance there shall be issued the negotiable coupon bonds of the City of Asheville, in the aggregate principal amount of $210,000, designated "Grade Separation Bonds", dated June 1, 1964, consisting of 210 bonds of the denomination of $1,000 each, numbered 1 to 210, inclusive, unless, pursuant to the provisions of the notice of sale for said bonds published by the Local Government Commission, the successful bidder for said bonds shall request $5,000 denominations, in which event said bonds shall consist of 42 bonds of the denomination of $5,000 each, numbered 1 to 42, inclusive. Said bonds shall mature annually, June 1, in numerical order, lowest numbers first, $10,000 1965 to 1985, inclusive, without option of prior payment, and shall bear interest from their date at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of June and December of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina.

Section 3. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Sumner, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $210,000 GRADE SEPARATION BONDS" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, Mayor Eller.

Nays: None

Thereupon the resolution entitled : "RESOLUTION PROVIDING FOR THE ISSUANCE OF $210,000 GRADE SEPARATION BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

...OLUTION PROVIDING FOR
...SUANCE OF $540,000 PUBLIC
...PROVEMENT BONDS

Thereupon, Councilman Morris introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE
OF $540,000 PUBLIC IMPROVEMENT BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That it is necessary to issue all of the $456,000 Redevelopment Bonds, $72,000 Storm Sewer Bonds and $12,000 Public Park Bonds authorized by three separate ordinances passed on April 4, 1963, each of which ordinances was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on May 14, 1963.

(b) That the probable period of usefulness of the land to be acquired and the improvement thereof pursuant to the ordinance authorizing the $456,000 Redevelopment Bonds is fifty years; that the probable period of usefulness of the storm sewers to be constructed and enlarged pursuant to the ordinance authorizing the $72,000 Storm Sewer Bonds is forty years; that the probable period of usefulness of the public parks to be acquired, constructed and improved pursuant to the ordinance authorizing the $12,000 Public Park Bonds, is fifty years; that the average of said three periods, computed from April 4, 1964 (a date not more than one year after the passage of said ordinances), and taking into consideration the amount of bonds to be issued for each purpose is a period expiring on December 4, 2012.

(c) That said $456,000 Redevelopment Bonds, $72,000 Storm Sewer Bonds and $12,000 Public Park Bonds shall be consolidated into an issue of $540,000 bonds of the City of Asheville, designated "Public Improvement Bonds".

Section 2. Said $540,000 Public Improvement Bonds shall be issued in negotiable coupon form, shall be dated June 1, 1964, and shall consist of 540 bonds of the denomination of $1,000 each, numbered 1 to 540, inclusive, unless, pursuant to the provisions of the notice of sale for said bonds published by the Local Government Commission, the successful bidder for said bonds shall request $5,000 denominations, in which event said bonds shall consist of 108 bonds of the denomination of $5,000 each, numbered 1 to 108, inclusive. Said bonds shall mature annually, June 1, in numerical order, lowest numbers first, $25,000 1965 to 1976 and $20,000 1977 to 1988, all inclusive, without option of prior payment, and shall bear interest from their date at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of June and December of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina.

Section 3. This resolution being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

Thereupon, upon motion of Councilman Morris, seconded by Councilman Mulvaney, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $540,000 PUBLIC IMPROVEMENT BONDS" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, and Mayor Eller

Nays: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $540,000 PUBLIC IMPROVEMENT BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman McRary introduced in written form the following resolution which was read:

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The $210,000 Grade Separation Bonds and $540,000 Public Improvement Bonds of the City of Asheville to be issued under date of June 1, 1964, shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the bonds and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

_____Bond

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly debted and for value received hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the 1st day of June, 19____, the principal sum of

_____THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually, on the 1st days of June and December of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance (in the Public Improvement Bonds change the words "an ordinance" to "three ordinances each of") which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held and resolutions duly passed by the Council of said City for the purpose of ..... .

It is hereby certified and recited that all acts, conditions and things required to happen, exist and be performed by the Constitution and laws of North Carolina precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of June, 1964.

Approved as to form:

_____
Mayor

_____
Corporation Counsel

_____
City Clerk

(Endorsements on bonds)

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

This issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. EASTERLING,
Secretary, Local Government Commission

By:_____
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and transfers as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19____,

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer, at the Wachovia Bank and Trust Company, in the City of Raleigh, North Carolina, upon the presentation and surrender hereof, the sum of _____Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its _____ Bond, dated June 1, 1964, numbered _____.

_____
City Clerk

Section 2. The dotted line in the foregoing bond form following the words "for the purpose of" shall be completed as follows:

In the bonds designated "Grade Separation Bonds" there shall be inserted the words "providing funds, with any other available funds, for constructing and improving grade separations, including pedestrian bridges, underpasses and retaining walls".

In the bonds designated "Public Improvement Bonds" there shall be inserted the words "(i) providing funds for appropriation to the Redevelopment Commission of the City for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in

the carrying out of its lawful powers and functions, (ii) providing funds, with any other available funds, for the purpose of constructing and enlarging storm sewers in said City, and (iii) providing funds, with any other available funds, for the purpose of providing, constructing and improving public parks, including the acquisition of any necessary land and equipment".

Section 3. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering and transferring said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein granted.

Section 4. The application of the City Manager in applying to the Local Government Commission for the advertisement and sale of said bonds, and the action of the Local Government Commission in asking for sealed bids for said bonds by printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman McRary, seconded by Councilman Algary, the foregoing resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, and Mayor Eller

Nays: None.

Thereupon the resolution entitled "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Thereupon Councilman Mulvaney introduced in written form the following resolution which was read:

RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINIONS ON $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. There shall be printed on the reverse of each of the $210,000 Grade Separation Bonds and $540,000 Public Improvement Bonds to be issued by the City of Asheville under date of June 1, 1964, the legal opinion of Mitchell, Pershing, Shetterly & Mitchell, Bond Counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate signed with the facsimile signature of the Mayor of the City of Asheville substantially as follows:

" I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Pershing, Shetterly & Mitchell, New York, N.Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile Signature)
Mayor of the
City of Asheville, North Carolina."

Section 2. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Mulvaney, seconded by Councilman Morris, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINIONS ON $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964" was passed by the following vote:

Yeas: Councilmen McRary, Mulvaney, Algary, Morris, Sumner, and Mayor Eller.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINIONS ON $750,000 BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1964" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

TELEVISION - CABLE - [illegible]
OF NATIONAL TRANSVIDEO, [illegible]

Mr. John F. Shuford, attorney for National Transvideo, Inc. of Dallas, Texas, presented a request for a permit to operate such a system in the city. Mr. Shuford advised that National Trans-Video is not asking for an exclusive franchise, which would require an election, but for a non-exclusive permit, and would pay the city two per cent of its gross income for the privilege of operating here, and would provide signals from some nine channels at a monthly cost of approximately $4.90. Mr. Shuford asked that the Council consider such a proposal.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Dunnock
CITY CLERK

Thursday, June 11, 1964 - 4:00 o'clock P. M.

The City Council met in regular session on Thursday, June 11, 1964, at 4:00 o'clock P. M. with Mayor E. W. Eller presiding. Present: Councilmen F. M. Mulvaney, Ralph D. Morris, J. W. McRary, T. B. Sumner, W. F. Algary, C. E. Morgan, City Manager Weldon Weir, and Corporation Counsel O. E. Starnes, Jr.

The minutes of the previous meeting were read and approved.

[illegible]

A letter was received from the First Union National Bank, Administrator of the Estate of R. W. Johnson, requesting the rezoning of certain property at the intersection of White Pine Drive and US 70-74.

This request was referred to the Planning and Zoning Commission for study and recommendation.

[illegible]

A letter was received from the Planning and Zoning Commission, recommending the approval of a plat of "Property of A. M. Smith and M. W. Edwards".

June 11, 1964

Honorable Mayor
Members of City Council
City Hall
Asheville, North Carolina

Gentlemen:

The attached plat entitled "Property of A. M. Smith and M. W. Edwards" prepared by Carter and Bearden, Engineers, and dated June 1, 1964, shows the subdivision of real estate at the intersection of Gorman Bridge Road and Dryman Mountain Road.

The above described plat was reviewed by this Commission at a regular meeting held June 3, 1964 and given preliminary approval. It is recommended to you for final approval.

Sincerely yours,

S/ Robert D. Barbour
Robert D. Barbour,
Planning Director.

RDB:nr
Encl:

Councilman McRary moved that the above plat be approved by the Council in accordance with the requirements of Subdivision Ordinance 424, which motion was seconded by Councilman Sumner and unanimously adopted.

ORDINANCE NO. [illegible]
[illegible]

Miss Elizabeth McCutchen, spokesman for a delegation of the Business and Professional Womens Club and the Civic Action Committee of the First Presbyterian Church, spoke in favor of the proposed Housing Code, and urged its adoption without change.

Speaking in opposition to the proposed Code, and particularly the heating, hot water and certificate of occupancy provisions, were Mr. Earl Fowler, Mr. Henry Fisher, Mrs. Fred Gray, Miss Fannie McCoy and Mrs. Lura Dennis, and Mr. A. G. Carver, Jr.

Mr. Curtis Dolan, chairman of a subcommittee of the Citizens Advisory Committee, again urged the adoption of the Code.

The ordinance was discussed by members of the Council, and Councilman Sumner stated he thought some of the provisions were too strict, particularly in regard to heating and hot water, and that these should be amended to make the ordinance workable.

Following the discussion, Ordinance #498, being "AN ORDINANCE REPEALING SECTIONS 959 THROUGH 975, AS AMENDED, AS CONTAINED IN THE CODE OF THE CITY OF ASHEVILLE (1945), ALSO KNOWN AS ORDINANCE #298, AND ADOPTING A NEW HOUSING CODE OF THE CITY OF ASHEVILLE", was, upon motion of Councilman Algary, seconded by Councilman Mulvaney, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye" — Councilman Morris voted "aye"
Councilman Mulvaney voted "aye" — Councilman Sumner voted "yea"
Councilman Algary voted "aye" — Councilman Morgan voted "aye"
Mayor Eller voted "aye"

ORDINANCE NO. 499 - AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 499, being "AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE, BEING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Sumner, seconded by Councilman Morris, unanimously passed on its second reading with the following vote:

Councilman McRary voted "aye"
Councilman Mulvaney voted "aye"
Councilman Algary voted "aye"
Councilman Morris voted "aye"
Councilman Sumner voted "yea"
Councilman Morgan voted "aye"
Mayor Eller voted "aye"

QUIT-CLAIM DEED - D. M. Peterson and wife, Alice Peterson

The City Manager advised that attorneys for D. M. Peterson had requested a quit-claim deed in orde to clear the title to certain property, and that the city had no interest in said property.

Councilman Mulvaney then introduced a resolution authorizing Mayor and City Clerk to execute quit-claim deed to D. M. Peterson and wife, Alice Peterson, for tax lots 98 and 103, Sheet 5, Ward 6.

Complete copy of resolution will be found in Resolution Book #4 at page 336.

FLETCHER COMMUNITY TOUR

The City Manager pointed out that the Council had been invited by the Asheville Agricultural Develo ment Council to make a tour of the Fletcher Community on Thursday of next week, and the Council decided its next meeting would be held on June 25th instead of the 18th.

There being no further business, the meeting was upon motion adjourned.

MAYOR

Margaret Sumner
CITY CLERK

Thursday, June 18, 1964 - 4:00 o'clock P. M.

Because of the lack of a quorum, no meeting of the City Council was held on the above date.

MAYOR

Margaret Sumner
CITY CLERK

State of North Carolina
Department of Archives and History
Raleigh

CERTIFICATE OF AUTHENTICITY

This is to certify that the microphotographs appearing on this reel are true and accurate reproductions of the records listed on the target (title) sheet preceding each volume or series of records microfilmed hereon; that the records were microfilmed on the date and at the reduction ratio indicated; and that on the date of microfilming, the records were in the custody of the official or other individual listed on the target sheet(s).

It is further certified that the records listed on the aforesaid target sheet(s) were microfilmed in conformity with the provisions of Sections 8-45.1 - 8-45.4, General Statutes of North Carolina; and that in order to insure archival quality and authentic reproduction of records filmed, they were microfilmed in the manner prescribed, and with equipment and film approved, by the State Department of Archives and History.

(Signed) H. O. Stuart
Camera Operator

Date 7-10-73

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END

OF BOOK

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END

OF REEL